

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2806

By: Blackburn of the House

and

Cain of the Senate

COMMITTEE SUBSTITUTE

An Act relating to consumer credit reports; amending 56 O.S. 1991, Section 240.7, which relates to child support; allowing certain requests from consumer reporting agencies and requiring certain information; providing for certain reports and providing for contents; authorizing fee for requests; authorizing periodic release of the names of certain persons who owe past-due child support to consumer reporting agencies; providing procedures; modifying definitions; prohibiting release of certain information to consumer reporting agencies and other entities; providing for reasonable recourse; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 1991, Section 240.7, is amended to read as follows:

Section 240.7 A. 1. Any consumer reporting agency may contact the Department of Human Services and request information as to whether specified persons are required to pay child support pursuant to court or administrative support orders. The request shall include the name, address, social security number or other identifying information for the obligor.

2. If the Department determines that any obligor is required to pay child support according to the files of the Department, the Department shall provide the consumer reporting agency with a report that includes the name of the obligor who is subject to the request, a statement that the obligor is required to pay child support pursuant to one or more court or administrative support orders, the names of each court or agency that issued a child support order, and whether any of the child support orders are being administered by the Department.

3. Unless otherwise prohibited or restricted by federal law or regulation, the Commission for Human Services, by rule, shall adopt a reasonable fee that shall be paid by consumer reporting agencies for requests pursuant to this section. The fee shall not exceed the estimated average actual cost experienced by the Department in performing the duties imposed upon it by this section.

B. The Department of Human Services shall establish procedures for the periodic release to consumer reporting agencies of the amount names and amounts of child support arrearages information to consumer reporting agencies. Such of obligors who owe past-due support. This information shall be released if:

1. The the person obligated to pay child support pursuant to a support order is at least two (2) months past due or is in arrears for more than One Thousand Dollars (\$1,000.00); and

~~2. The information regarding the amount of the support in arrears is requested by the consumer reporting agencies.~~

~~B. C.~~ For purposes of this section, the term "consumer reporting agencies agency" means any person who, for a fee, dues, or on a cooperative nonprofit basis, regularly engages in ~~whole or in part~~ in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

~~C. The Department may charge a reasonable fee based in actual costs of supplying such services.~~

D. Information shall not be made available to:

1. Any consumer reporting agency which the Department or other appropriate agency determines does not have sufficient capability to systematically and timely make accurate use of the information; or

2. Any entity which has not provided satisfactory proof to the Department that the entity is a consumer reporting agency.

~~E. The~~ Any person obligated for ~~such~~ child support shall be notified prior to the release of ~~such~~ the information to a consumer reporting agency and shall be given ~~an~~ a reasonable opportunity to be heard ~~as to~~ regarding the accuracy of the information to be released.

SECTION 2. This act shall become effective November 1, 1996.

45-2-2603

CJ