

ENGROSSED HOUSE
BILL NO. 2806

By: Blackburn of the House
and
Cain of the Senate

An Act relating to poor persons; amending 56 O.S. 1991, Section 240.7, which relates to child support; allowing certain requests from consumer reporting agencies; providing for certain reports; providing for fees; authorizing periodic release of the names of certain persons who owe past-due child support to consumer reporting agencies; providing process; providing definitions; providing for certain determinations; prohibiting release of information to certain 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 names of the obligors, their addresses and social

security numbers or other identification numbers, if known, and any other identifying information relative to the obligors.

2. If the Department determines that any of the obligors are required to pay child support pursuant to the files of the Department, the Department shall provide the consumer reporting agency with a report that includes the names of the obligors who are the subject of the request, a statement that the obligors are required to make child support payments pursuant to one or more court or administrative support orders, the names of the court or the departments that issued the child support orders, the counties in which the courts are located, and whether any of the child support orders are being administered by the Department.

3. Unless otherwise prohibited or restricted by federal law or rules, the Commission for Human Services, by rule, shall promulgate a reasonable fee that must be paid by consumer reporting agencies upon the making of requests for information pursuant to this section. The fee shall not exceed the 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 names and amount amounts of child support arrearages information to consumer reporting agencies of obligors who owe past-due support. Such information shall be released if:

1. The person the persons obligated to pay child support pursuant to a support order is orders are at least two (2) months past due or are 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" 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. Such information shall not be made available to:

1. Consumer reporting agencies which the Department or other appropriate agency determines do not have sufficient capabilities to systematically and timely make accurate use of the information; or

2. Entities which have not furnished any evidence satisfactory to the Department that the entities are a consumer reporting agency.

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

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

Passed the House of Representatives the 5th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate