

10 §1317. PROCEDURE FOR CORRECTING INACCURATE INFORMATION

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1. Agency procedures for corrections. A consumer reporting agency shall adopt reasonable procedures to enable a consumer to correct any inaccurate information in the consumer's file. For the purposes of this section, "inaccurate information" includes, but is not limited to, materially incomplete information within the scope of the report requested and information in the report that is the result of identity theft.

[2005, c. 494, §1 (AMD) .]

2. Reinvestigation by consumer reporting agency. If a consumer disputes any item of information contained in the consumer's file on the ground that it is inaccurate and the dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall reinvestigate and record the current status of the information within 21 calendar days of notification of the dispute by the consumer, unless it has reasonable grounds to believe that the dispute by the consumer is frivolous, and it shall then immediately notify the consumer of the result of its investigation and the consumer's rights pursuant to subsections 4, 5 and 6. The presence of contradictory information in a consumer's file does not, in and of itself, constitute reasonable grounds for believing the dispute is frivolous.

[1991, c. 453, §2 (AMD); 1991, c. 453, §10 (AFF) .]

3. Agency to record efforts in consumer file. Upon reinvestigation, the consumer reporting agency shall record in the consumer's file the efforts undertaken to reinvestigate the dispute, including, but not limited to, the names of the person or persons conducting the reinvestigation.

[1977, c. 514, (NEW) .]

4. Agency action, if error. If, after conducting the reinvestigation prescribed by subsection 2, the consumer reporting agency finds that an item is inaccurate or that it can no longer be verified, it shall:

A. Promptly expunge the item and otherwise correct the file; and [1977, c. 677, §7 (AMD) .]

B. Refrain from reporting the item in subsequent consumer reports, unless the item is later verified.

[1991, c. 453, §3 (AMD); 1991, c. 453, §10 (AFF) .]

Notwithstanding anything in this section, if a consumer reporting agency is requested to act pursuant to this subsection, it may retain the report that is found to be inaccurate; provided that the report is kept separate from other reports about the consumer, that it is conspicuously marked as containing inaccurate information which shall not be disclosed, and that it shall not be disclosed by the consumer reporting agency except in connection with its defense to a civil action brought pursuant to sections 1322 and 1323.

[1991, c. 453, §3 (AMD); 1991, c. 453, §10 (AFF) .]

5. Agency inability to resolve difference. If, after conducting the reinvestigation prescribed by subsection 2, the consumer reporting agency is unable to resolve any difference still remaining between the allegations made by its sources and the consumer, it shall:

A. Promptly indicate in the file that the item is disputed; [1977, c. 514, (NEW) .]

B. Permit the consumer to file a statement containing the nature of the dispute. The agency may limit such statements to not more than 200 words if it provides the consumer with assistance in writing a clear summary of the dispute; [1979, c. 127, §61 (AMD) .]

C. Include the consumer's statement of the dispute in all subsequent credit reports containing the information in question; and [1977, c. 514, (NEW) .]

D. Clearly note in all subsequent consumer reports that the item is disputed by the consumer. [1977, c. 514, (NEW).]

[1979, c. 127, §61 (AMD) .]

6. Agency notification of change. When a consumer reporting agency must act pursuant to subsections 4 or 5, it shall notify the consumer in writing that it will notify each person whom the consumer designates who has received the item of information during the previous 2 years for employment purposes or during the previous 6 months for any other purpose that the item is inaccurate, can no longer be verified or that it is disputed and that it will furnish them with the corrected information, and the consumer reporting agency shall notify each person designated by the consumer who has received the item of information during the previous 2 years from employment purposes or during the previous 6 months for any other purpose, that the item is inaccurate, can no longer be verified or that it is disputed, and shall furnish those persons with the corrected information and, where applicable, with a copy of the consumer's statement.

[1977, c. 677, §7 (AMD) .]

SECTION HISTORY

1977, c. 514, (NEW). 1977, c. 677, §7 (AMD). 1979, c. 127, §§60,61 (AMD). 1981, c. 610, §8 (AMD). 1987, c. 306, §2 (AMD). 1991, c. 453, §§2,3 (AMD). 1991, c. 453, §10 (AFF). 2005, c. 494, §1 (AMD).

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