

30-14-1734, MCA

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

LexisNexis® Montana Code Annotated > Title 30 Trade and Commerce (Chs. 1 — 23) > Chapter 14 Unfair Trade Practices and Consumer Protection (Pts. 1 — 28) > Part 17 Impediment of Identity Theft (§§ 30-14-1701 — 30-14-1736)

30-14-1734 Exceptions — exemptions.

(1) The provisions of 30-14-1726 through 30-14-1733 and 30-14-1735 do not apply to the following for the purposes of accessing or using a credit report:

- (a) a person or the person's subsidiary, affiliate, agent, or assignee with which the consumer has, or prior to assignment had, an account, contract, or debtor-creditor relationship when using a credit report for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or debt;
- (b) a subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted to a credit report under 30-14-1729 for purposes of facilitating the extension of credit or other permissible use;
- (c) any person using a credit report and acting pursuant to a court order, warrant, or subpoena;
- (d) any federal, state, or local agency that administers a program for establishing and enforcing child support obligations;
- (e) any federal, state, or local agency or its agents or assigns acting to investigate fraud;
- (f) any federal, state, or local agency or its agents or assigns acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;
- (g) a person for use of a credit report for the purpose of prescreening as described by the Fair Credit Reporting Act, 15 U.S.C. 1681, et seq.;
- (h) a person or entity administering a credit file monitoring subscription or similar service to which the consumer has subscribed;
- (i) a person or entity for the purpose of providing a consumer with a copy of the consumer's own credit report or score and upon the consumer's request;
- (j) a person or entity regulated under Title 33; or
- (k) a consumer reporting agency for its database or file that consists entirely of information concerning, and used solely for, one or more of the following:
 - (i) criminal record information;
 - (ii) tenant screening;

- (iii) employment screening;
 - (iv) fraud prevention or detection; or
 - (v) personal loss history information.
- (2) The following entities are exempt from placing a security freeze on a credit report:
- (a) a check services company or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments;
 - (b) a deposit account information service company that issues reports regarding account closures because of fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution; or
 - (c) a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies and that does not maintain a permanent database of credit information from which new credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a credit report by another consumer reporting agency.

History

En. Sec. 9, Ch. 138, L. 2007.

LexisNexis® Montana Code Annotated
Copyright © 2024 All rights reserved.