

§ 1681o. Civil liability for negligent noncompliance

(a) In general

Any person who is negligent in failing to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum of—

(1) any actual damages sustained by the consumer as a result of the failure; and

(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

(b) Attorney's fees

On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

(Pub. L. 90-321, title VI, § 617, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 104-208, div. A, title II, § 2412(d), (e)(2), Sept. 30, 1996, 110 Stat. 3009-446, 3009-447; Pub. L. 108-159, title VIII, § 811(e), Dec. 4, 2003, 117 Stat. 2012.)

AMENDMENTS

2003—Subsec. (a)(1). Pub. L. 108-159 inserted “and” after semicolon at end.

1996—Subsec. (a). Pub. L. 104-208, § 2412(d), designated existing provisions as subsec. (a), inserted heading, and substituted “Any person who” for “Any consumer reporting agency or user of information which”.

Subsec. (b). Pub. L. 104-208, § 2412(e)(2), added subsec. (b).

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-159 subject to joint regulations establishing effective dates as prescribed by Federal Reserve Board and Federal Trade Commission, except as otherwise provided, see section 3 of Pub. L. 108-159, set out as a note under section 1681 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

§ 1681p. Jurisdiction of courts; limitation of actions

An action to enforce any liability created under this subchapter may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier of—

(1) 2 years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

(2) 5 years after the date on which the violation that is the basis for such liability occurs.

(Pub. L. 90-321, title VI, § 618, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 108-159, title I, § 156, Dec. 4, 2003, 117 Stat. 1968.)

AMENDMENTS

2003—Pub. L. 108-159 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “An action to enforce any liability created under this subchapter may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this subchapter to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this subchapter, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-159 subject to joint regulations establishing effective dates as prescribed by Federal Reserve Board and Federal Trade Commission, except as otherwise provided, see section 3 of Pub. L. 108-159, set out as a note under section 1681 of this title.

§ 1681q. Obtaining information under false pretenses

Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined under title 18, imprisoned for not more than 2 years, or both.

(Pub. L. 90-321, title VI, § 619, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 104-208, div. A, title II, § 2415(a), Sept. 30, 1996, 110 Stat. 3009-450.)

AMENDMENTS

1996—Pub. L. 104-208 substituted “fined under title 18, imprisoned for not more than 2 years, or both” for “fined not more than \$5,000 or imprisoned not more than one year, or both”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

§ 1681r. Unauthorized disclosures by officers or employees

Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined under title 18, imprisoned for not more than 2 years, or both.

(Pub. L. 90-321, title VI, § 620, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 104-208, div. A, title II, § 2415(b), Sept. 30, 1996, 110 Stat. 3009-450.)

AMENDMENTS

1996—Pub. L. 104-208 substituted “fined under title 18, imprisoned for not more than 2 years, or both” for “fined not more than \$5,000 or imprisoned not more than one year, or both”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.