

CHAPTER 292—H.F.No. 777

An act relating to consumers; requiring certain disclosures when consumer reports are used for employment purposes; providing for access to consumer reports; amending Minnesota Statutes 1992, section 13C.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13C; repealing Minnesota Statutes 1992, section 13C.01, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [13C.001] DEFINITIONS.

Subdivision 1. SCOPE. The definitions in this section apply to this chapter.

Subd. 2. CONSUMER. "Consumer" means an individual.

Subd. 3. CONSUMER REPORT. (a) "Consumer report" means a written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living that is used or expected to be used or collected in whole or in part for:

(1) the purpose of serving as a factor in establishing the consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes;

(2) employment purposes; or

(3) other purposes authorized under United States Code, title 15, section 1681b.

(b) Consumer report does not include:

(1) a report containing information solely as to transactions or experiences between the consumer and the person making the report;

(2) an authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or

(3) a report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys a decision with respect to the request, if the third party advises the consumer of the name and address of the person to whom the request was made and the person makes the disclosures to the consumer required under United States Code, title 15, section 1681m.

Subd. 4. CONSUMER REPORTING AGENCY. "Consumer reporting agency" means a person that, for monetary fees, dues, or on a cooperative non-profit 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.

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Subd. 5. EMPLOYMENT PURPOSES. "Employment purposes" means evaluating a consumer for hiring, compensation, promotion, reassignment, retention, or with respect to other terms and conditions of employment.

Subd. 6. INVESTIGATIVE CONSUMER REPORT. "Investigative consumer report" means a consumer report in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer or with others with whom the consumer is acquainted or who may have knowledge concerning the information. "Investigative consumer report" does not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when the information was obtained directly from a creditor of the consumer or from the consumer.

Sec. 2. Minnesota Statutes 1992, section 13C.01, subdivision 1, is amended to read:

Subdivision 1. **FEE FOR REPORT.** (a) A consumer who is the subject of a credit consumer report maintained by a credit consumer reporting agency is entitled to request and receive by mail, for a charge not to exceed \$8, a copy of the credit consumer report once in any 12-month period. The mailing must contain a statement of the consumer's right to dispute and correct any errors and of the procedures set forth in the federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 et seq., for that purpose. The credit consumer reporting agency shall respond to a request under this subdivision within 30 days.

(b) A consumer who exercises the right to dispute and correct errors is entitled, after doing so, to request and receive by mail, without charge, a copy of the credit consumer report in order to confirm that the credit consumer report was corrected.

(c) For purposes of this section, the terms "consumer," "credit report," and "credit reporting agency" have the meanings given them in the federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 et seq.

Sec. 3. [13C.02] **DISCLOSURE OF USE OF CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.**

Subdivision 1. DISCLOSURE REQUIRED. A person may not obtain or cause to be prepared a consumer report on a consumer for employment purposes unless the person clearly and accurately discloses to the consumer that a consumer report may be obtained or caused to be prepared. The disclosure must inform the consumer of the right to request additional information on the nature of the report under subdivision 3. In the case of an investigative consumer report, the disclosure under this subdivision must inform the consumer that the report may include information obtained through personal interviews regarding the consumer's character, general reputation, personal characteristics, or mode of living.

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Subd. 2. FORM; COPY. The disclosure required under subdivision 1 must be in writing and must be provided to the consumer before the consumer report is obtained or caused to be prepared. If a written application is provided for employment purposes by an employer or prospective employer, the disclosure must be included in or accompany the application. The disclosure must include a box that the person may check off and return to receive a copy of the consumer report. If the consumer requests a copy of the report, the person requesting the report shall request the person preparing the report to provide a copy to the consumer. The report must be sent to the consumer by the person preparing the report within 24 hours of providing it to the person requesting the report. The report to the consumer must include a statement of the consumer's right to dispute and correct any errors and of the procedures under United States Code, title 15, section 1681 to 1681t. A consumer may not be charged for a report provided under this section. If no report exists, the consumer reporting agency has no obligation to the consumer under this section.

Subd. 3. FURTHER DISCLOSURE IF REQUESTED. A consumer reporting agency shall, upon written request from the consumer, make a complete and accurate disclosure of the nature and scope of the report. The disclosure under this subdivision must be in writing and must be mailed or delivered to the consumer within five days after the request for the disclosure was received or the consumer report was requested, whichever date is later.

Subd. 4. EXCEPTION. This section does not apply to:

(1) a consumer report to be used for employment purposes for which the consumer has not specifically applied; or

(2) a consumer report used for an investigation of a current violation of a criminal or civil statute by a current employee or an investigation of employee conduct for which the employer may be liable, until the investigation is completed.

Sec. 4. [13C.03] NOTICE OF ADVERSE ACTION.

If employment is denied or other adverse action for employment purposes is taken against a consumer wholly or partly because of information contained in a consumer report, the user of the report shall so advise the consumer and notify the consumer of the consumer's right to receive a copy of the report if a copy was not received pursuant to section 3, subdivision 2. The user of the report shall also give the consumer the name and address of the consumer reporting agency making the report and a notice of the consumer's right to dispute and correct any errors and of the procedures under United States Code, title 15, section 1681 to 1681t. Upon written request from the consumer, the consumer reporting agency shall provide a copy of the report to the consumer within five days of receipt of the request. A consumer may not be charged for a report provided under this section.

Sec. 5. [13C.04] ENFORCEMENT; REMEDIES.

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This chapter may be enforced by the attorney general or the county attorney pursuant to section 8.31 or 325F.70 and the public and private remedies available under those sections apply to this chapter.

Sec. 6. **REPEALER.**

Minnesota Statutes 1992, section 13C.01, subdivision 2, is repealed.

Presented to the governor May 17, 1993

Signed by the governor May 19, 1993, 4:40 p.m.

CHAPTER 293—H.F.No. 1499

An act relating to consumer protection; providing for training requirements for manual or mechanical therapy; requiring diagnosis of a person's condition before therapy; providing for rulemaking; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 146.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [146.23] MANUAL OR MECHANICAL THERAPY.

Subdivision 1. THERAPY. "Manual therapy" or "mechanical therapy" as used in this section means manipulation or adjusting joint articulation without anesthesia.

Subd. 2. TRAINING REQUIREMENT. A person regulated under this chapter who is not otherwise authorized to provide manual therapy or mechanical therapy, intending to directly treat or normalize abnormal or dysfunctional articulations of the human body must be certified by the state board which regulates the person's practice as successfully completing training in manual or mechanical therapy at a level of not less than: (1) 555 hours of training to include lecture and supervised laboratory training; (2) 315 hours in the area of radiographic interpretation; and (3) 1,155 hours of supervised work in an outpatient setting. The training must be provided by an institution which is fully accredited in the area of chiropractic, medicine, osteopathy, or physical therapy.

Subd. 3. DIAGNOSIS REQUIRED BEFORE THERAPY. Before manual therapy or mechanical therapy is provided, a person licensed by a particular board of examiners to diagnose another person for any disease, injury, defect, deformity, or infirmity of the body must determine that the person to receive therapy does not have a condition that would contraindicate the therapy. If the person making the diagnosis is not also performing the therapy, that person must give a written diagnosis report prior to the initiation of therapy to the person performing the therapy and is responsible for ensuring that the person performing the therapy has complied with the training requirements under subdivision 2.

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