

Article - Commercial Law

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§14–1213.

(a) Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this subtitle 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;

(2) Such amount of punitive damages as the court may allow; and

(3) 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) Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this subtitle 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.

(c) A person who furnishes information to a consumer reporting agency or a user of information has no liability under this subtitle for any failure to comply with any requirement imposed under this subtitle with respect to any consumer if, within 30 days after discovering such failure to comply and prior to institution of an action under this subtitle or the receipt of written notice of the failure to comply from the consumer, such person or user notifies the consumer of the failure to comply and makes whatever adjustments are necessary to correct the noncompliance.

(d) A person who furnishes information to a consumer reporting agency or a user of information has no liability under this subtitle for any failure to comply with any requirement imposed under this subtitle where such person or user:

(1) Unintentionally and in good faith fails to comply with any requirement imposed under this subtitle; and

(2) Makes whatever adjustments are necessary to correct the noncompliance within 30 days after such person or user receives written notice of the failure.

(e) A person who furnishes information to a consumer reporting agency or a user of information may not be held liable in an action brought under this subtitle for any failure to comply with any requirement imposed under this subtitle if such person or user shows by a preponderance of the evidence that the failure to comply was unintentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(f) The burden shall be on the person who furnishes information to a consumer reporting agency or user of information to show that the failure to comply with any requirement under this subtitle was unintentional and in good faith.

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