

Approved 5-2-91
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Representative John M. Solbach at
Chairperson

3:30 a.m./p.m. on March 20, 1991 in room 313-S of the Capitol.

All members were present except:

Representatives Duville, Gomez, O'Neal, Sebelius, Hamilton, Hochhauser and Gregory who were excused

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Office of Revisor of Statutes
Gloria Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Chuck Simmons, representing the Department of Corrections
Steve Starr, Kansas Bureau of Investigation
Captain Scott, Highway Patrol (invited to comment by Chairman)
Senator August Bogina, Jr.
Walt Scott, Associated Credit Bureau of Kansas

The Chairman noted a change of members for the sub-committee appointed on 3/18/91, to study HB 2212, cigarettes, prohibitions. The revised membership for the sub-committee will be: Representative Garner, Chairman; Representative Allen and Representative Parkinson.

The Chairman called for hearing on SB 151, creating the KBI, KHP and KDOC special asset forfeiture fund.

Chuck Simmons, representing the Department of Corrections, appeared in support of SB 151 which was requested by the DOC. (See Attachment # 1).

Committee questions followed.

Steve Starr, Kansas Bureau of Investigation, was present at the hearing and the Chairman invited his comments. Mr. Starr said he has no strong objections to the addition of the DOC to agencies allowed access to assets, but the number of agencies added should be limited.

The Chairman also invited comments from Captain Scott of the Highway Patrol, who was present at the hearing. Mr. Scott reiterated Mr. Starr's comments.

There being no further conferees, the hearing on SB 151 was closed.

The Chairman called for hearing on SB 171, crimes and punishment, statutory conflict resolution.

Revisor's Staff gave background and said SB 171 was suggested by the Revisor of Statutes Office as a cleanup measure; that the Senate committee had amended the bill to become effective upon publication in the Kansas Register.

There being no further conferees, the hearing on SB 171 was closed.

The Chairman called for hearing on SB 181, procedures for correcting inaccuracies in consumer credit reports.

Revisor's Staff gave background and intent of SB 181.

Senator August Bogina, Jr. provided written testimony in support of SB 181. (See Attachment # 2).

Walt Scott, Associated Credit Bureau of Kansas, noted conferees in opposition would be available to testify on 3/26/91.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,
room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on March 20, 1991

The Chairman continued the hearing of SB 181 until 3/26/91.

The Chairman called for action on SB 171.

Representative Smith made a motion that SB 171 be passed and placed on the consent calendar. Representative Scott seconded the motion. The motion carried.

The Chairman called for action on SB 151.

Revisors' Staff noted needed amendment on Page 2, Lines 41 through 43.

Representative Everhart made a conceptual motion that SB 151 be amended to correct the name of the fund to "state" special asset forfeiture fund. Representative Smith seconded the motion. The motion carried.

Representative Everhart made a motion that SB 151 be passed as amended. Representative Rock seconded the motion. The motion carried.

The Chairman called for staff review of SB 259, public trust; property tax revenues.

Revisors' Staff reviewed intent of SB 259.

Committee discussion followed.

The Chairman said action on SB 259 will be taken at a later date.

The Chairman called for action on HB 2464, consumer protection act; door-to-door sales.

Representative Everhart made a motion that HB 2464 be amended on Page 4 in Line 12, by inserting "real or" after "buyers"; that Section G on Page 4 be stricken. Representative Snowbarger seconded the motion. The motion carried.

The Chairman called the committee's attention to explanation and proposed amendment for HB 2464 furnished by Sally Gingerich. (See (Attachment # 3)).

No action was taken by the committee on the proposed amendment.

Representative Snowbarger made a motion that HB 2464 be passed as amended. Representative Lawrence seconded the motion.

Committee discussion followed.

Representative Parkinson made a substitute motion that HB 2464 be amended on Page 4, Line 38, by inserting "Martin Luther King Day" before "Washington's". Representative Everhart seconded the motion. The motion to amend carried.

Representative Snowbarger made a motion that HB 2464 be passed as amended and further amended. Representative Everhart seconded the motion.

Representative Rock made a substitute motion to table HB 2464. Representative Smith seconded the motion.

The motion to table HB 2464 failed.

The motion to pass HB 2464, as amended, carried.

The meeting adjourned at 4:30. P.M. The next meeting is scheduled for March 22, 1991, at 3:30 P.M. in room 313-S.

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Joan Finney
Governor

Steven J. Davies, Ph.D.
Secretary

To: House Judiciary Committee
From: Steven J. Davies, Ph.D.
Secretary of Corrections
Re: Senate Bill No. 151
Date: March 20, 1991

A handwritten signature in cursive script, reading "Steven J. Davies", written over the "From:" line of the letterhead.

The amendment of K.S.A. 1990 Supp. 65-4173 proposed in S.B. 151 would add the Department of Corrections to the other state agencies (Kansas Bureau of Investigations and Kansas Highway Patrol) included in the special asset forfeiture fund.

This fund involves proceeds obtained from forfeiture proceedings of property utilized in illegal transactions involving controlled substances. Current law provides that proceeds of such forfeitures, after deduction of certain costs, be deposited to the KBI or KHP special asset forfeiture fund, if one of those agencies was the agency to which the property was forfeited.

S.B. 151 would add the Department of Corrections as an agency for this fund.

The special asset forfeiture fund is administered by the Attorney General. Proceeds in the fund may be expended by the agency originating the forfeiture to defray the costs of protracted or complex investigations, provide additional technical equipment or expertise, provide matching funds to obtain federal grants, or for such other law enforcement purposes as the Attorney General deems appropriate.

The Department of Corrections is involved in controlling the introduction of contraband substances into correctional facilities. In addition, the supervision of parolees involves efforts to control illegal drug use or transactions. From time to time Department personnel are involved in incidents where individuals involved in such incidents are apprehended or certain assets are

HJD
Attachment #1
3-20-91

House Judiciary Committee
S.B. 151
Page 2

seized. When such incidents result in property forfeitures, the Department is proposing that the funds be credited to the special asset forfeiture fund to be used by the Department of Corrections for purposes authorized in the statute.

Participation by the Department of Corrections would not impact the KBI or the KHP because the Department would only have access to funds where the DOC originated the forfeiture. The fund would still be administered by the Attorney General.

STATE OF KANSAS

AUGUST BOGINA, JR., P.E.
SENATOR, TENTH DISTRICT
JOHNSON COUNTY
5747 RICHARDS CIRCLE
SHAWNEE, KS 66216



TOPEKA

SENATE CHAMBER
STATE CAPITOL
TOPEKA, KANSAS 66612
(913) 296-7362

COMMITTEE ASSIGNMENTS
CHAIRMAN: WAYS AND MEANS
CHAIRMAN: LEGISLATIVE POST AUDIT
VICE CHAIR: GOVERNMENTAL ORGANIZATION
MEMBER: FINANCE COUNCIL

Mr. Chairman and Members of the Committee:

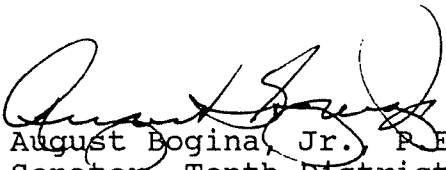
It has been the experience of some of our fellow citizens that when a credit rating agency errs in their reporting of your personal consumer's file, it is impossible to have that error corrected and duly noted. A resident of our state has a bad relationship with the credit rating company named TRW. He will explain that problem to you.

I would ask that you would correct this inequity and cause justice and right to prevail in this wrong situation.

I urge your support of this proposal.

Thank you.

Respectfully submitted,


August Bogina, Jr., P.E.
Senator, Tenth District

AB:pb

HJVD
Attachment # 2
3-20-91

December 7, 1989

Shell Oil Company



Your File Number: 08021-9340-26

Credit Card Center
P.O. Box 80
Tulsa, Oklahoma 74102

CP18-496-4000

Steve Boda Jr
11413 West 71st St
Shawnee KS 66203

|||||

Thank you for giving us the opportunity to consider your request for a Shell credit card account.

The Credit Bureau* listed below was contacted as part of the process of considering your credit application. Because of information contained in your credit report, we are unable to open an account for you at this time.

Please contact the Credit Bureau directly if you wish to review your credit file or request that it be corrected.

On the other side of this letter is important information concerning the Federal Equal Credit Opportunity Act and certain state credit granting laws.

Thank you for your interest in Shell and its products.

Sincerely,

A handwritten signature in cursive script that reads "E. E. Cassady".

E. E. Cassady
Manager, Credit Services

* TRW CREDIT DATA
34405 12 MILE RD.
SUITE 375
FARMINGTONHILL MI 48018

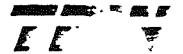
313-553-7658

AUT:AP632

Please include your file number when writing to us

Up **CREDIT PROFILE** SM

Disclosure



Inquiry Information

FOR2 F102 2499901 BODA STEVE JU;11413 7 66203;6-203223680;Y-1924;
 11413 W 71ST ST SHAWNEE KS 66203;Z-MN;L-71

See comment below. Full identification information, including your Social Security Number is needed to check any disputed items.
 SSN

IDENTIFICATION NUMBER

PAGE	DATE	TIME	PORT	HW	TVS1	34-702708/55
2	12/22/99	09:02:17	CH09	178		

LINE NO	1	2	3
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Account Profile	Subscriber Name/Court Name			Subscriber # Court Code	Assn Code	Amount	Balance	Account/Docket Number		Payment Profile number of months prior to balance date
	Status Comment	Status Date	Date Opened					Type	Term	
	CURR ACCT	11-89	4-84	CRC	REV	\$2400	\$0	11-30-89		NNNNNNNNNNNN
	** CREDIT LINE CLOSED - CONSUMER'S REQUEST - REPORTED BY SUBSCRIBER									
	UMB BANKCARD			2230268	2			5152201000793613		
	CURR ACCT	9-89	10-Y	CRC	REV	\$2600	\$61	9-28-89		000000--0000
	000000000000									
	COMMERCE BK OF KC			2240285	2	LIMIT		5412163698279962		
	CURR ACCT	9-89	12-83	CRC	REV	\$1200	\$0	11-30-89		NNNNN-00NNNN
	LASTPAY 06-22-89N-0000000000									
	COMMERCE BK OF KC			2240285	2	LIMIT		4412698267625		
	CURR ACCT	10-89	12-83	CRC	REV	\$1900	\$0	11-30-89		NONN0N0N0N-C
	--0000000000									
	J C PENNEY			2306202	1	HIBAL		512398687820		
	CURR ACCT	9-89	10-Y	CHC	REV	\$700	\$0	10-31-89		N0N0N000000N
	LASTPAY 08-19-890000000000									
	TWA WORLDWIDE CREDIT			2455610	2			1040120183		
	CURR ACCT	5-81	10-Y	CRC	REV	\$1800				
	FORD CRED			2620725	2			14201041620070709		
	CURR ACCT	11-89	10-89	AUT		12510000	\$8816	11-30-89		C
	CRSI/JONES			0377564	0	LIMIT		9000654080470175		
	CURR ACCT	7-89	10-Y	CHC	REV	\$2000	\$0	9-30-89		
	LASTPAY 06-21-89									
	DINERS CLUB			0415468	1	HIBAL		382209021500		
	CURR ACCT	11-89	10-Y	CRC		\$100	\$0	11-30-89		NN
	LASTPAY 11-03-89									
	MISSOURI BANK & TRUS			0106801	1			90248		
	PAID SATIS	7-85	3-84	I/L	LINK	\$4400				
	UMB-USA			0201701	2			5152201000793613		
	CURR ACCT	9-89	10-Y	CRC	REV	\$900	\$61	9-26-89		00---0000000
	00000000									
	SHELL OIL CO			0405556						
	INQUIRY	12-06-89		087						
	*** NONE									

2-3

This disclosure is based on the identifying information supplied by you. If you did not supply us with your full name, addresses for the past 5 years, social security number and year of birth, this disclosure may not be complete.

Updated CREDIT PROFILE SM



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Inquiry Information

FORM FID2 2499901 BODA STEVE LUJ, 11413 7 66203, 8-823223680, Y-1924,
 R-11413 W 71ST ST SHAWNEE KS 66203, Z-MN:L-71

See comment below. Full identification information, including your Social Security Number is needed to check any disputed items.
 SSN _____

IDENTIFICATION NUMBER

LINE NO.	PAGE	DATE	TIME	PORT	HW	TVS1	54-202783/55
1	2	12/22/90	09:02:17	CHRG	173		

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		Status Comment	Status Date	Date Opened					Type	Terms	
7		CURR ACCT	11-89	4-84	CRC	REV	\$2400	\$0	11-30-89		NNNNNNNNNNNN
8		** CREDIT LINE CLOSED - CONSUMER'S REQUEST - REPORTED BY SUBSCRIBER									
11	A	UMB BANKCARD			2200260	2			5152201000793618		
12		CURR ACCT	9-89	10-Y	CRC	REV	\$2600	\$61	9-28-89		000000--DNDI
15	A	COMMERCE BK OF KC			2240285	2	LIMIT		5412163698279962		
16		CURR ACCT	9-89	12-83	CRC	REV	\$1200	\$0	11-30-89		NNNNNNNNNNNN
19	A	COMMERCE BK OF KC			2240285	2	LIMIT		5412698267625		
20		CURR ACCT	10-89	12-83	CRC	REV	\$1900	\$0	11-30-89		NNNNNNNNNNNN
23	A	J C PENNEY			2306202	1	HIBAL		512398687820		
24		CURR ACCT	9-89	10-Y	CHG	REV	\$700	\$0	10-31-89		NNNNNNNNNNNN
27	A	TWA WORLDWIDE CREDIT			2455610	2			5040120183		
28		CURR ACCT	5-81	10-Y	CRC	REV	\$1800				
30	A	FORD CRED			2620725	2			14201041620070709		
31		CURR ACCT	11-89	10-89	AUT		12610500	\$8816	11-30-89		
33	A	CRSI/JONES			0377564	0	LIMIT		9000654000470175		
34		CURR ACCT	7-89	10-Y	CHG	REV	\$2000	\$0	9-30-89		
37	A	DINERS CLUB			0415468	1	HIBAL		082209021500		
38		CURR ACCT	11-89	10-Y	CRC		\$100	\$0	11-30-89		NN
41	A	MISSOURI BANK & TRUS			9106031	1			90248		
42		PAID SATIS	7-85	3-84	I/L	UNK	\$4400				
44	A	UMB-USA			9201781	2			5152201000793618		
45		CURR ACCT	9-89	10-Y	CRC	REV	\$900	\$61	9-26-89		00---00000
48		SHELL OIL CO			0405556						00000000
49		INQUIRY	12-06-89		08T						
50		*** NONE									

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ated CREDIT PROFILESM



closure

Inquiry Information

F001 F202 2499901 BODA STEVE DU:11418 7 66203-5-303223680,Y-1924,
 W-11418 W 71ST ST SHAWNEE KS 66203-11-71

See comment below: Full identification information, including your Social Security Number is needed to check any disputed items.

SSN

IDENTIFICATION NUMBER

LINE NO.	PAGE	DATE	TIME	PORT	HW	TKS1	5A-282788/
	3	12/27/89	09:02:17	CH08	178		

LINE NO.	Account Profile		Subscriber Name/Court Name			Subscriber # Court Code	Assn. Code	Amount	Balance	Account/Docket Number		Payment Profile						
	Pos	Non	Status Comment	Status Date	Date Opened	Type	Terms	Balance Date		Amount Past Due	number of months prior to balance date							
7																		
8			SHELL OIL CO			0435556												
9			INQUIRY	12-06-89														
11			COMMERCIAL FEDERAL			9201794					6600001778							
12			INQUIRY	12-01-88														
14	>>>>		CHECKPOINT >>>>			570113449												
15	1-89		STEVE BODA JR															
16			114 13 WEST 71 ST															
17			SHAWNEE MISSION KS 66203					1106771										
20			CITIBANK/UPPER MANHAT			106771	1	ORIGL			83022183							
21			CURR ACCT	11-89	10-Y			C/C REV	\$2700		\$0	11-30-89						NNNNNNNNNN
23			CHASE VISA			290000	0	LIMIT			4225996210992							
24			CURR ACCT	12-89	10-Y			CRC REV	\$4300	\$187		12-09-89						CCCC-CCC
25								SCH MONTH PAY		\$10		LASTPAY 12-01-89						
27			CHASE M/C			290138	2	LIMIT			5465988682745255							
28			CURR ACCT	12-89	5-86			CRC REV	\$4500	\$193		12-06-89						CCCCCCCC
29												LASTPAY 12-01-89						
31			CRSI/BONDS			291550	1				62180359104510							
32			CURR ACCT	8-82	10-Y			CHG REV	\$500	\$0		12-01-89						NNNNNNN-N
33																		CCCC-CCC
35			DILLARDS DEPT STORE			398334	1				80447520984							
36			PAID ACCT	10-84	9-84			ISC UNK	UNKN									
38			DILLARDS DEPT STORE			398334	1				95504840985							
39			PAID ACCT	10-85	9-85			ISC UNK	UNKN									
41			DILLARDS DEPT STORE			3459999	1	HIBAL			68449061977							
42			CURR ACCT	10-89	10-Y			CHG REV	\$900	\$0		10-31-89						CNCCCCCCCC
43												LASTPAY 10-01-89						CCCCCCCC
44	>>>>		CHECKPOINT >>>>															
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46			STEVE BODA															
47			89 05 68 DR															
48			REC PARK NY 11374															
49																		
50			*** MORE															

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United CREDIT PROFILESM
Disclosure



Inquiry Information

FOR2 F2D2 2499901 BODA STEVE .JJ,11413 7 66208;S-303223680.Y-1924;
M-11413 W 71ST ST SHAWNEE KS 66208;Z-RN:L-71

See comment below. Full identification information, including your Social Security Number is needed to check any disputed items.

SSN

IDENTIFICATION NUMBER

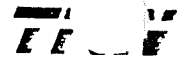
LINE NO.	PAGE	DATE	TIME	PORT	HW	TRK1	IDENTIFICATION NUMBER
	A	12/22/99	00:02:17	CHAS	178		SA-999700/EE

LINE NO.	Account Profile		Subscriber Name/Court Name			Subscriber # Court Code	Assn. Code	Amount	Balance	Account/Docket Number		Payment Profile	
	Pos	Non	Status Comment	Status Date	Date Opened	Type	Term			Balance Date	Amount Past Due	number of months prior to balance date	
8	A		B ALTMAN & COMPANY			349050 @				8003517			
9			CURR ACCT	10-Y	10-Y	CHG	REV	\$300					
11	*CAUTION*THE ABOVE REPORT MAY CONTAIN ITEMS FOR OTHER MEMBERS OF THE SAME FAMILY												
12	END												

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Disclosure



Inquiry information

See comment below . . . Full identification information, including your Social Security Number is needed to check any disputed items.
SSN _____

IDENTIFICATION NUMBER

LINE	PAGE	DATE	TIME	PORT	N/Y	
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Account Profile	Subscriber Name/Court Name			Subscriber # Court Code	Assn. Code	Amount	Balance	Account/Docket Number		Payment Profile number of months prior to balance date
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STEVE BODA JR
11410 W 71ST ST
SHAWNEE KS 66203

TRW CREDIT DATA/CONSUMER RELATIONS
12606 GREENVILLE AVE
PO BOX 749029
DALLAS, TX 75374-0000
214-235-1200

This disclosure is based on the identifying information supplied by you. If you did not supply us with your full name, addresses for the past 5 years, social security number and year of birth, this disclosure may not be complete.

Confidential

See Reverse Side for Explanation & Instructions

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TRW 10/95 (Rev. 1-89)

214-235-1200

January 11, 1990

TRW Credit Data
12606 Greenville Ave.
PO Box 749029
Dallas, TX 75374-

RE Identification Number 56-232783/55

Refer to the item circled in red on the enclosed photocopy from the Credit Profile provided me after several rejections of credit to me.

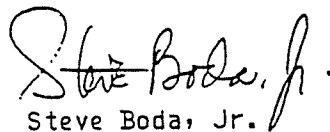
On two occasions I have called the agency in question (the one you indicate that I was delinquent for three months), First Bankcard Center (1-800-228-7070). This is Visa 4418 0251 1612 2586.

On both occasions, this agency denies ever having reported any delinquency on my part to TRW. In fact, the supervisor of their credit department states that my record has been impeccable.

A follow up call by my attorney brought the same high-praise response.

Therefore, your issuance of an unfavorable credit rating for me has caused us considerable embarrassment by the rejection of credit.

I am demanding an explanation of your actions.



Steve Boda, Jr.
11413 West 71st Street
Shawnee, KS 66203

Updated CREDIT PROFILE



Discrepancy

Inquiry Information

TCR2 F2D2 3499953 BODA STEVE .JJ,11413 7 66203,S-303223680,Y-1924,M-11413
 W 71ST ST?SHAWNEE KS 66203,Z-MN,L-71

IDENTIFICATION NUMBER

PAGE	DATE	TIME	PORT	MIN	TKS1	56-232783/55
1	02/07/90	11:23:48				

Account Profile	Subscriber Name/Court Name			Subscriber # Court Code	Assn. Code	Amount	Account/Docket Number		Payment Profile
	Status Comment	Status Date	Date Opened	Type	Terms	Balance	Balance Date	Amount Past Due	number of months prior to balance date
A	1ST BK CARD CTR			0270197 4				418025116122586	
	CURR ACCT	6-89	7-87	CRC	REV	\$2000	\$0	6-17-89	
	→ ITEM CHANGED AS ABOVE								
	→ END								

This disclosure is based on the identifying information supplied by you. If you did not supply us with your full name, addresses for the past 5 years, social security number and year of birth, this disclosure may not be complete.

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Inquiry Information

IDENTIFICATION NUMBER

LINE NO

LINE NO	PAGE	DATE	TIME	PORT	REV	IDENTIFICATION NUMBER				
4	Account Profile		Subscriber Name/Court Name			Subscriber # Court Code	Assn. Code	Amount	Account/Docket Number	Payment Profile number of months prior to balance date
5	Pos	Neg	Status Comment	Status Date	Date Opened	Type	Terms	Balance	Balance Date	Amount Past Due
12			STEVE BODA 11413 W 71ST ST SHAWNEE KS 66203							
28			TRW CREDIT DATA/CONSUMER RELATIONS 12606 GREENVILLE AVE PO BOX 749029 DALLAS, TX 75374-0000 214-235-1200							

This disclosure is based on the identifying information supplied by you. If you did not supply us with your full name, addresses for the past 5 years, social security number and year of birth, this disclosure may not be complete.

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First
Bankcard
Center

February 12, 1990



TRW
Consumer Relations
12606 Greenville Ave.
Dallas, TX 75243

Dear Sirs:

Per the request of our customer, listed below please find a credit rating on their BankCard account. Please add this rating to their credit file. Corrected Rating.

Name: Steve Boda Jr.

Address: 11413 W. 71st St.

City & State: Shawnee, KS 66203

Account Number: 4418-0251-1612-2586

Account Opened: 07/87

High Balance: \$790.00

Current Balance: \$.00

Rating: 12 Month Review - 0/30, 0/60, 0/90

Liability: Individual

Please advise by return mail your compliance with this request.

Thank you.

Sincerely,

Michelle Cronk

Michelle R. Cronk
Credit Department

cc: to customer

March 8, 1990

Mr. Bruce Stout
Kansas Attorney General's Office
301 West 10th Street
Topeka, KS 66612

Dear Mr. Stout:

As per our phone conversation yesterday and upon the advice of my friend and Shawnee senator, Gus Bogina, I am forwarding you documentation relative this consumer's complaint against TRW Credit Services.

Early in December, 1989, I applied for a Shell Oil Company gasoline card and was rejected because of adverse credit information. As is my right, I requested a copy of my Credit Profile. Shell's letter of rejection is item No. 2.

The Credit Profile, dated December 22, 1989, is number 1 attached. It is from TRW Credit Data/Consumer Relations, 12606 Greenville Avenue, PO Box 749029, Dallas, Texas 75374- phone number 214-235-1200. My identification number is 56-232783/55.

As indicated on report No. 1, they showed me to be delinquent three months on a First Bankcard credit card #4418-0251-1612-2586.

I protested to TRW without satisfaction. TRW stated that the information was supplied them by First Bankcard. I contacted First Bankcard Center, PO Box 3331, Omaha, Nebraska, 68103-0331, phone 402-341-7447 and spoke with Michelle Cronk of the Credit Department and she informed me that I was never delinquent, my credit rating was impeccable and proceeded to write TRW to that effect. See No. 3 enclosed, dated February 12, 1990.

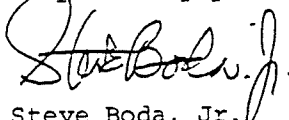
TRW then stated that it issued a Credit Profile on February 7, 1990 (No. 4 enclosed) that the account was CURRENT. I contacted Shell and other creditors as to that meaning and they all stated that it meant, in their opinion, that I had paid up the delinquency. However, since the delinquency appeared on the December 22 report, that they still could not issue me credit.

Numerous calls to TRW to further correct the Credit Profile to include the words to the effect: "Current report due to previous error," were also to no avail. TRW blames First Bankcard for the error, First Bankcard blames TRW and TRW states it is not their policy to issue such a note and refuses to do so.

As you can see, without it I still have an adverse credit rating based on erroneous information and the mere fact that a current profile might indicate "current" to all creditors it merely means that I have since paid up a three-month delinquency, which never existed in the first place and which affects my credit for the next seven years.

I am requesting that you issue a strong request to TRW to alter its practices in cases of an error and so indicate such on reports to creditors. I don't care if TRW admits to the error, or First Bankcard, but an error was made.

Respectfully yours,



Steve Boda, Jr.
11413 West 71st Street
Shawnee, KS 66203
913-631-1994

cc: Gus Bogina



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ATTORNEY GENERAL
APR 26 8 25 AM '90

TRW Information Systems
Group

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500 City Parkway West
4th Floor
Orange, CA 92668-2957
714.385.7000
213.258.0440

Law Department

714.385.5040

April 23, 1990

Mr. D. Bruce Stout
Special Agent
Consumer Protection Division
State of Kansas
Office of the Attorney General
2nd Floor, Kansas Judicial Center
Topeka, Kansas 66612-1597

Re: Steve Boda Jr.
Your File No. 90-1249

Dear Mr. Stout:

This is in response to your letter of March 29, 1990.

Mr. Boda complains that TRW incorrectly reported that his account with First Bankard was delinquent. He disputed the item with TRW, and contacted the Bank directly. The result was the item was changed to show as "current" with no indication of a prior delinquency.

However, Mr. Boda claims that since TRW has refused to add words to the effect that the previous report was an error, he still can not get credit.

I am not sure what it is that Mr. Boda would like TRW to do. If the account had been changed to show "delinquent 90, now current," then his argument might have some merit. But that is not the case. The item shows as being current with no prior delinquent history. That means that the account was never delinquent.

If Shell Oil will not issue Mr. Boda a credit card, that appears to be a problem between he and Shell, and not TRW as the

Mr. D. Bruce Stout
April 23, 1990
Page 2

item is presently showing precisely how the credit grantor has advised it should appear.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harry I. Jacobs", written over a faint, illegible typed name.

Harry I. Jacobs
Senior Counsel

HIJ:wp
cc: Diane Fleming

Explanation

With regard to door-to-door sales, the seller's ability to enforce these contract extends for five years. The only cause of action for consumers at this point, however, is breach of contract or other contract defenses intended to void the contract.

This amendment is intended to be narrowly tailored to balance the rights of consumers with the rights of sellers. My concern is that without this amendment, door-to-door salespeople will quickly learn that if they simply avoid contact with the buyer for a few years and not let them know where they are, they can come back later and collect any money due them under the sale, with no fear of a countersuit against them for punitive damages, and thus, nothing to lose.

There are three aspects to this amendment which limit its applicability only to those cases in which it is fair to allow the statute of limitations to be avoided.

First, the statute of limitations is only extended in cases in which the transaction is door-to-door. This type of transaction is the one most likely for consumers to have difficulty enforcing a suit upon. The amendment would not apply in cases where the consumer can seek redress at the store or company at which the product or service was purchased.

Second, the statute of limitations is only extended if the consumer is sued by the seller. This ensures that if the consumer decides not to sue the seller (often because he cannot find the seller), he will not be unfairly surprized later. In many cases, the consumer may decide not to bother since they are not being billed and do not want to spend money on an attorney.

This amendment will not allow consumers to bring suit after the statute of limitations has passed, however. The statute of limitations for fraud and consumer protection claims is shorter than that for contracts because of the concern for the loss of evidence over the years, and the decrease in the reliability of that evidence. Consumers who are being sued, however, who for whatever reason chose to forego their consumer protection remedies earlier, should be allowed to present them in evidence. They still have the burden of proof to prove those claims, but the possibility of punitive damages against the seller equalizes the burdens on the parties.

Third, this provision necessarily only allows the cause of action for consumer protection and fraud to last as long as the seller's cause of action on the contract, which should not be longer than five years after the transaction.

Many elderly people, people with a low income, and others who are unfamiliar with the law, will not bother to try to contact an attorney when they have not been bothered by the salesperson. When they are finally hit with a lawsuit, they are then forced to get an attorney. This amendment would ensure that in this particular type of sale, the causes of action which traditionally provide a means of paying the attorney and discouraging dishonest salespeople, are still available to the consumer.

HJUD
Attachment # 3
3-20-91

Proposed Amendment

AN ACT concerning consumer protection; relating to door-to-door sales; amending K.S.A. 50-640, repealing the existing section, and adding a new section.

New Section:

In the event that an action is brought for breach of contract against a consumer who entered into the contract for sale of goods or services in a door to door sale, the consumer against whom the action is brought may raise as a counterclaim or defense to such action, when applicable, any cause of action for fraud, misrepresentation or violation of the Consumer Protection Act arising out of the transaction, regardless of any statute of limitations.