

April 15, 1999

**S 1074. YEAR 2000 CONSUMER PROTECTION ACT. LIMITING LIABILITY FROM YEAR 2000 FAILURES BY PROVIDING CERTAIN PARTIES THE RIGHT TO ASSERT AN AFFIRMATIVE DEFENSE BASED ON A YEAR 2000 PROBLEM.** Enacts new Art. 43E of GS Ch. 1 as title indicates. Person may assert affirmative defense to any claim or action brought against person if person's default was caused by a year 2000 problem associated with an electronic computing device that is not owned, controlled, or operated by that person and, but for the year 2000 problem, person would have been able to satisfy obligation that is basis of claim. Establishment of defense will result in dismissal of claim without prejudice. Claimant may not reassert claim for 60 days; statute of limitations is tolled for 90 days. Defense does not otherwise impair or defeat asserted claim. Prohibits credit reporting agency from reporting negative credit information resulting from failure of electronic computing device to process financial information or other information or the inability of consumer to transact financial business and make payments due to failure of electronic computing device to process year 2000 date change. Expires July 1, 2000.

**Intro. by Reeves.**

Ref. to Judiciary II

GS 1

April 27, 1999

**S 1074. YEAR 2000 CONSUMER PROTECTION ACT.** Intro. 4/15/99. Senate committee substitute makes the following changes to 1st edition. Amends GS 1-539.26(c) to specify that the affirmative defense does not apply to claims for personal injury or wrongful death. Changes expiration date from July 1, 2000 to Oct. 1, 2000.

June 16, 1999

**S 1074. YEAR 2000 CONSUMER PROTECTION ACT.** Intro. 04/15/99. House committee substitute makes the following changes to 2nd edition. Deletes provision prohibiting a credit reporting agency from reporting a person's default, failure to pay, breach or other financial failure when this negative information is the result of a Year 2000 problem associated with an electronic computing device. Substitutes provision permitting an individual who can establish an affirmative defense under the act to dispute any item of information in the individual's consumer file with the credit reporting agency. The credit reporting agency must respond to the dispute by complying with the federal "Fair Credit Reporting Act" and, if requested by the individual, include in the individual's consumer file the individual's statement of explanation regarding an item of information that the credit agency denies is inaccurate. Upon expiration of act on October 1, 2000, any affirmative defense raised in a pending civil action remains effective until conclusion of the action.

June 30, 1999

**S 1074. YEAR 2000 CONSUMER PROTECTION ACT.** Intro. 4/15/99. House amendments make the following changes to 3rd edition. Adds new GS 1-539.26(e1) to provide that a person who agrees to participate in prelitigation mediation may not assert an affirmative defense as set forth in GS 1-539.26(a). Changes technical definition of "year 2000 problem" in GS 1-539.25.