

Blackfeet Tribal Law and Order Code

Circa 1999

CONSUMER PROTECTION

Chapter 3

EQUAL CREDIT OPPORTUNITY

Section 1. Purpose.

The purpose of this Chapter is to insure that no person be discriminated against in applying for or being extended credit.

Section 2. Jurisdiction.

The Blackfeet Tribe of Indians shall have jurisdiction over any creditor with respect to any conduct of the creditor subject to this Chapter or with respect to any claim arising from a transaction subject to this Chapter.

Section 3. Definitions.

- A. "Adverse action" means a denial or revocation of credit, a change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested. Such term does not include a refusal to extend additional credit under an existing credit arrangement where the applicant is delinquent or otherwise in default, or where such additional credit would exceed a previously established credit limit.
- B. "Applicant" means any person who applies to a creditor directly for an extension, renewal, or continuation of credit, or applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit.

- C. "Credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment, or to purchase property or services and defer payment.
- D. "Creditor" means any person who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.
- E. "Person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

Section 4. Prohibited Discrimination.

- A. It shall be unlawful for any creditor to discriminate against any applicant with respect to any aspect of a credit transaction:
 - 1. on the basis of race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract);
 - 2. on the basis of place of residence;
 - 3. because all or part of the applicant's income derives from any public assistance program; or
 - 4. because the applicant has in good faith exercised any right under Chapters 1 and 2 of this Title.
- B. It shall not constitute discrimination for purposes of this Chapter for a creditor:
 - 1. to make an inquiry of marital status if such inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a determination of creditworthiness;
 - 2. to make an inquiry of the applicant's age or of whether the applicant's income derives from any public assistance program if such inquiry is for the purpose of determining the amount and probable continuance of income levels, credit history, or other pertinent element of creditworthiness;
 - 3. to use any empirically derived credit system which considers age

if such system is demonstrably and statistically sound, except in the operation of such system, the age of an elderly applicant may not be assigned a negative factor or value; or

4. to make an inquiry or to consider the age of an elderly applicant if it is to be used by the creditor in the extension of credit in favor of such applicant.

Section 5. Notification to Applicant.

- A. Within thirty (30) days after receipt of a completed application for credit, a creditor shall notify the applicant of its actions on the application.
- B. Each applicant against whom adverse action is taken shall be entitled to a statement in writing of specific reasons for such action from the creditor at the time of notification of action on the application.

Section 6. Civil Liability.

- A. Any creditor who fails to comply with any requirement imposed under this Chapter shall be liable to the aggrieved applicant for any actual damages sustained.
- B. Any creditor, other than the tribal government or tribal programs or other government, who fails to comply with any requirement of this Chapter shall be liable to the aggrieved applicant for punitive damages in an amount not greater than ten thousand dollars (\$10,000.00), in addition to any actual damages under Subsection A.
- C. In the case of any successful action under this Chapter, the costs of the action, together with reasonable attorneys' fees as determined by the Court, shall be added to any damages awarded by the Court.
- D. No action may be brought under this Chapter later than two (2) years from the date of the occurrence of the violation.

Section 7. Interpretation.

In interpreting this Chapter, the Tribal Court may consult where necessary the relevant parts of Federal Reserve Board Regulation B to the Equal Credit Opportunity Act, 12 C.F.R. 202, as amended. The terms of this Chapter shall apply in the case of any conflict.

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