

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1037

"TO INCREASE IDENTITY THEFT PROTECTION; TO PERMIT PLACEMENT OF A SECURITY FREEZE PRIOR TO BECOMING A VICTIM OF IDENTITY THEFT; AND TO REDUCE THE FEES CHARGED FOR THE PLACEMENT, REMOVAL, OR TEMPORARY LIFTING OF A SECURITY FREEZE."

Amendment No. 1 to House Bill No. 1037.

Amend House Bill No. 1037 as originally introduced:

Page 2, line 12, delete "2007" and substitute "~~2007~~ 2009"

AND

Page 2, delete line 14 and substitute the following:

"U.S.C. § 1681a(f) as it existed on January 1, ~~2007~~ 2009;

(4) "Credit report" means a consumer report that a consumer reporting agency furnishes to a person that it has reason to believe intends to use the consumer report as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family, or household purposes;"

AND

Page 2, line 15, delete "(4)" and substitute "~~(4)~~(5)"

AND

Page 2, line 16, delete "2007" and substitute "~~2007~~ 2009"

AND

Page 2, line 17, delete "(5)" and substitute "~~(5)~~(6)"

AND

Page 2, line 17, delete "consumer" and substitute "~~consumer~~ credit"

AND



Page 2, line 19, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 2, line 22, delete "(6)(A)" and substitute "(7)(A)"

AND

Page 2, line 29, delete "mail, fax," and substitute "mail"

AND

Page 3, line 1, delete "mail or facsimile transmission" and substitute "mail"

AND

Page 3, delete lines 14 through 26 and substitute the following:

~~"(b)(1) Except as provided in subdivision (b)(2) of this section, a A~~
consumer reporting agency shall place a security freeze on a ~~consumer~~ credit
report of a consumer no later than ~~five (5)~~ three (3) business days after
receiving from the consumer:

~~(A)(1)~~ A ~~written~~ request as provided in subsection (a) of this
section;

~~(B)(2)~~ Proper identification; and

~~(C)(3)~~ Payment of the required fee, if applicable.

~~(2) For any security freeze requested before May 1, 2008, the
deadline stated in this subsection shall be ten (10) business days if a
consumer reporting agency in good faith is unable to process during normal
business hours the quantity of security freeze requests received."~~

AND

Page 3, line 36, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 4, line 5, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 4, line 8, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 4, line 10, delete "consumer report" and substitute "~~consumer~~ credit
report"

AND

Page 4, delete line 21 and substitute the following:

"the ~~consumer~~ credit report shall be available to users of the ~~consumer~~
credit report; ~~and~~"

AND

Page 4, delete line 23 and substitute the following:

"(b)(1) A Except as provided in subdivision (b)(2) of this section, a consumer reporting agency that receives a request in compliance with subsection (a) of this section from a"

AND

Page 4, line 24, delete "her consumer report" and substitute "her consumer credit report"

AND

Page 4, delete lines 26 and 27 and substitute the following:

"shall comply with the request no later than:

(A) ~~three~~ Three (3) business days after receiving the completed request by mail; or
(B) Fifteen (15) minutes after receiving the completed request by:

(i) Telephone;

(ii) Secure electronic connection; or

(iii) Secure electronic mail connection.

(2) A consumer reporting agency may temporarily lift a security freeze as soon as the circumstances reasonably permit during normal business hours if the consumer reporting agency's ability to temporarily lift the security freeze within fifteen (15) minutes is prevented by:

(A) An act of God, including without limitation a fire, an earthquake, a hurricane, a storm, or a similar natural disaster or phenomena;

(B) An unauthorized or illegal act by a third party, including without limitation terrorism, sabotage, riot, vandalism, a labor strike or dispute disrupting operations, or a similar occurrence;

(C) An operational interruption, including without limitation electrical failure, an unanticipated delay in the delivery of equipment or a replacement part, a computer hardware or software failure inhibiting response time, or a similar disruption;

(D) Governmental action, including without limitation an emergency order or regulation, a judicial or law enforcement action, or a similar directive;

(E) Regularly scheduled maintenance or updates during other than normal business hours to the consumer reporting agency's computer systems;

(F) Commercially reasonable maintenance or repair to the consumer reporting agency's systems if the maintenance or repair is unexpected or unscheduled; or

(G) The receipt of a removal request outside of normal business hours."

AND

Page 4, line 29, delete "telephone, facsimile," and substitute "telephone,

~~facsimile,~~"

AND

Page 4, line 31, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 4, line 34, delete "consumer" and substitute "credit"

AND

Page 4, line 35, delete "consumer report" and substitute "credit report"

AND

Page 5, line 2, delete "(e)(1)" and substitute "(e)"

AND

Page 5, line 3, delete "consumer" and substitute "credit"

AND

Page 5, line 4, delete "consumer report" and substitute "credit report"

AND

Page 5, delete lines 7 through 12

AND

Page 5, line 16, delete "consumer report" and substitute "~~consumer~~ credit report"

AND

Page 5, line 20, delete "consumer report" and substitute "~~consumer~~ credit report"

AND

Page 5, line 23, delete "consumer report" and substitute "~~consumer~~ credit report"

AND

Page 5, line 26, delete "consumer report" and substitute "~~consumer~~ credit report"

AND

Page 6, line 13, delete "consumer" and substitute "~~consumer~~"

AND

Page 7, line 1, delete "2007" and substitute "~~2007~~ 2009"

AND

Page 7, line 6, delete "2007" and substitute "~~2007~~ 2009"

AND

Page 7, line 8, delete "January 8, 2007" and substitute "~~January 8, 2007~~
January 1, 2009"

AND

Page 7, line 12, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 7, line 25, delete "subsection (c)" and substitute "subsection (b)"

AND

Page 7, delete lines 27 through 30 and substitute the following:

~~"dollars (\$10.00)~~ five dollars (\$5.00) for ~~each~~ the:

- (1) Initial placement of a security freeze;
- (2) ~~removal~~ Removal of a security freeze; or a
- (3) ~~temporary~~ Temporary lifting of a security freeze for a period of time."

AND

Page 7, line 31, delete "(c)" and substitute "(b)"

AND

Page 7, delete lines 33 through 35 and substitute the following:

- "(1) At least sixty-five (65) years of age; or
- (2) A victim of identity theft."

AND

Page 8, line 3, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 8, line 19, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 8, line 24, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 8, line 26, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 9, line 5, delete "2007" and substitute "~~2007~~ 2009"

AND

Page 9, line 33, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 10, delete line 1 and substitute the following:

"for a period of time within fifteen (15) minutes or as soon as practical if good cause exists for the delay, and must remove a security freeze"

AND

Page 10, line 18, delete "but may not charge you to" and substitute "to"

AND

Page 10, line 19, delete "report,—" and substitute "report,"

AND

Page 10, delete lines 21 and 22, and substitute the following:

"charged any fee if you are at least sixty-five (65) years of age or if you are a victim of identity theft and have submitted, at"

AND

Page 10, line 36, delete "consumer" and substitute "~~consumer~~ credit"

AND

Page 11, line 35, delete "consumer report" and substitute "credit report"

The Amendment was read _____
By: Representative D. Creekmore
DLP/LHA - 02-03-2009 11:42
DLP193 _____ Chief Clerk