

## HB 1468 - DIGEST

Authorizes a consumer to elect to place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer reporting agency. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer.

Does not prohibit a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

Requires a consumer reporting agency to place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer.

Provides that, if a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer report without sending a written confirmation of the change to the consumer within thirty days of the change being posted to the consumer's file: Name, date of birth, social security number, and address.

Declares that the following entities are not required to place a security freeze on a consumer report: (1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; or

(2) A demand deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank or financial institution.

Provides that any consumer who suffers damages as a result of a violation of this act by any person may bring an action in a court of appropriate jurisdiction against that person to recover the following: (1) In the case of a negligent violation, actual damages, including court costs, loss of wages, attorneys' fees and, when applicable, pain and suffering.

(2) In the case of a willful violation: (a) Actual damages; (b) punitive damages of not less than one hundred dollars nor more than five thousand dollars for each violation; and (c) any other relief that the court deems proper.