

AMENDMENTS TO HOUSE BILL NO. 1847 (As amended by A05721)

Sponsor: REPRESENTATIVE BARRAR

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- 1 Amend Bill, page 1, by inserting before line 1 (A05721)
- 2 Amend Bill, page 1, line 5, by inserting after "definitions"
- 3 , for security freeze
- 4 Amend Bill, page 1, lines 4 and 5 (A05721), by striking out
- 5 all of said lines and inserting
- 6 Amend Bill, page 1, lines 7 and 8, by striking out "; and
- 7 further providing for civil relief" and inserting
- 8 ; and providing for protected persons security freeze
- 9 Amend Bill, page 1, by inserting between lines 5 and 6
- 10 (A05721)
- 11 Amend Bill, page 1, line 13, by striking out "by adding
- 12 definitions"
- 13 Amend Bill, page 1, line 8 (A05721), by striking out "12" and
- 14 inserting
- 15 13
- 16 Amend Bill, page 1, line 23 (A05721), by striking out all of
- 17 said line and inserting
- 18 "Consumer." An individual who is not a protected person.
- 19 "Consumer report." A written, oral or other communication of
- 20 any information by a consumer reporting agency bearing on a
- 21 consumer's or protected person's creditworthiness, credit
- 22 standing or credit capacity.
- 23 "Consumer reporting agency." Any person who, for monetary
- 24 fees, dues or on a cooperative basis, regularly engages in whole
- 25 or in part in the practice of assembling or evaluating consumer
- 26 credit information or other information on consumers or
- 27 protected persons for the purpose of furnishing consumer reports
- 28 to third parties.
- 29 Amend Bill, page 1, lines 28 through 30; page 2, lines 1

through 20 (A05721), by striking out all of said lines on said pages and inserting

"Protected person." An individual who is any of the following:

(1) Not emancipated and under 16 years of age at the time a request for the placement of a protected persons security freeze is made.

(2) An incapacitated person under 20 Pa.C.S. Ch. 55 (relating to incapacitated persons).

(3) A protected person under 20 Pa.C.S. Ch. 59 (relating to uniform adult guardianship and protective proceedings jurisdiction).

"Protected persons security freeze." Either of the following:

(1) If a consumer reporting agency does not have a file pertaining to a protected person, a restriction that:

(i) Is placed on the protected person's record in accordance with section 10.1.

(ii) Prohibits the consumer reporting agency from releasing the protected person's record except as provided in section 10.1.

(2) If a consumer reporting agency has a file pertaining to a protected person, a restriction that:

(i) Is placed on the protected person's consumer report in accordance with section 10.1.

(ii) Prohibits the consumer reporting agency from releasing the protected person's consumer report or any information derived from the protected person's consumer report except as provided in section 10.1.

"Record." A compilation of information that:

(1) Identifies a protected person.

(2) Is created by a consumer reporting agency solely for the purpose of complying with section 10.1.

(3) May not be created or used to consider the protected person's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living for any purpose listed in the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. § 1681b).

"Representative." A person providing to a consumer reporting agency sufficient proof of authority to act on behalf of a protected person.

"Security freeze." A notice placed on a consumer report, at the request of the consumer and subject to certain exceptions, that prohibits a consumer reporting agency from releasing the consumer report without the express authorization of the consumer.

"Sufficient proof of authority." Documentation showing that a representative has authority to act on behalf of a protected person, including, but not limited to, any of the following:

1 (1) An order issued by a court of law.
2 (2) A lawfully executed and valid power of attorney.
3 (3) A written and notarized statement signed by the
4 representative that expressly describes the authority of the
5 representative to act on behalf of the protected person.
6 "Sufficient proof of identification." Information or
7 documentation that identifies a protected person or a
8 representative, including, but not limited to, any of the
9 following:

10 (1) A Social Security number or a copy of a Social
11 Security card issued by the Social Security Administration.

12 (2) A certified or official copy of a birth certificate
13 issued by the entity authorized to issue the birth
14 certificate.

15 (3) A copy of a driver's license, an identification card
16 issued by the Department of Transportation or any other
17 government-issued identification.

18 (4) A copy of a bill, including, but not limited to, a
19 bill for telephone, sewer, septic tank, water, electric, oil
20 or natural gas services, that shows a name and home address.

21 Amend Bill, page 2, line 14, by striking out all of said line
22 and inserting

23 Section 2. Sections 3(d) and 9 of the act are amended to
24 read:

25 Section 3. Security freeze.

26 * * *

27 (d) Duration of freeze.--A security freeze shall:

28 (1) remain in place [until the earlier of], except as
29 provided under section 7(a); or

30 (2) be removed within three business days from the date
31 the consumer reporting agency receives a request from the
32 consumer to remove the security freeze [or until seven years
33 from the date that the security freeze was put in place by
34 the consumer reporting agency] in accordance with this act.

35 * * *

36 Amend Bill, page 2, lines 16 through 27, by striking out all
37 of said lines and inserting

38 [(a) General rule.--A consumer reporting agency may impose a
39 reasonable charge on a consumer for initially placing a security
40 freeze on a consumer report. The amount of the charge may not
41 exceed \$10. The charge to temporarily lift the security freeze
42 may not exceed \$10 per request. At no time shall the consumer be
43 charged for removing the freeze.

44 (b) Exceptions.--

45 (1) A consumer will not be charged by a consumer
46 reporting agency for placing a security freeze or temporarily
47 lifting a security freeze if the consumer is a victim of
48 identity theft and provides, or has provided, the consumer
49 reporting agency with a copy of a police report.

50 (2) A consumer will not be charged by a consumer
51 reporting agency for placing a security freeze if the

1 consumer is 65 years of age or older.

2 (c) Confirmation required.--If a security freeze is in
3 place, a consumer reporting agency shall not change any of the
4 following information regarding a consumer without sending a
5 written confirmation of the change to the consumer within 30
6 days of the change being posted:

7 (1) Name.

8 (2) Date of birth.

9 (3) Social Security number.

10 (4) Address.

11 Written confirmation is not required for technical modifications
12 of a consumer's official information, including name and street
13 abbreviations, complete spellings or transposition of numbers or
14 letters. In the case of an address change, the written
15 confirmation shall be sent to both the new address and to the
16 former address.] A consumer reporting agency may not impose a
17 charge on a consumer for placing or temporarily lifting a
18 security freeze on a consumer report.

19 Amend Bill, page 3, lines 3 through 7 (A05721), by striking
20 out all of said lines and inserting

21 Amend Bill, page 3, lines 16 through 25, by striking out all
22 of said lines and inserting

23 Section 4. The act is amended by adding a section to read:
24 Section 10.1. Protected persons security freeze.

25 (a) Applicability.--The following shall apply:

26 (1) Notwithstanding the other provisions of this act,
27 this section shall apply to protected persons and their
28 representatives.

29 (2) This section shall not apply to:

30 (i) A person or entity under section 3(e)(1), (6),
31 (7), (8), (9), (10) or (12).

32 (ii) A person or entity that maintains or is a
33 database used solely for any of the following:

34 (A) Criminal record information.

35 (B) Personal loss history information.

36 (C) Fraud prevention or detection.

37 (D) Employment screening.

38 (E) Tenant screening.

39 (b) Placement.--The following shall apply:

40 (1) A consumer reporting agency shall place a protected
41 persons security freeze if:

42 (i) The consumer reporting agency receives a request
43 from a representative for the placement of the protected
44 persons security freeze.

45 (ii) The representative does the following:

46 (A) Submits the request to the consumer
47 reporting agency at the address or other point of
48 contact and in the manner specified by the consumer
49 reporting agency.

1 (B) Provides to the consumer reporting agency
2 sufficient proof of identification of the protected
3 person and the representative.

4 (C) Provides to the consumer reporting agency
5 sufficient proof of authority to act on behalf of the
6 protected person.

7 (2) If a consumer reporting agency does not have a file
8 pertaining to a protected person when the consumer reporting
9 agency receives a request under paragraph (1), the consumer
10 reporting agency shall create a record for the protected
11 person.

12 (c) Timing of placement.--Within 30 days after receiving a
13 request that meets the requirements under subsection (b)(1), a
14 consumer reporting agency shall place a protected persons
15 security freeze.

16 (d) Release of consumer report prohibited.--Unless a
17 protected persons security freeze is removed in accordance with
18 subsection (f) or (i), a consumer reporting agency may not
19 release the protected person's consumer report, any information
20 derived from the protected person's consumer report or any
21 record created for the protected person.

22 (e) Effective period.--A protected persons security freeze
23 shall remain in effect until either of the following occurs:

24 (1) The protected person or representative requests the
25 consumer reporting agency to remove the security freeze in
26 accordance with subsection (f).

27 (2) The protected persons security freeze is removed in
28 accordance with subsection (i).

29 (f) Removal.--If a protected person or representative wishes
30 to remove a protected persons security freeze, the protected
31 person or representative shall:

32 (1) Submit a request for the removal of the security
33 freeze to the consumer reporting agency at the address or
34 other point of contact and in the manner specified by the
35 consumer reporting agency.

36 (2) Provide the following to the consumer reporting
37 agency:

38 (i) In the case of a request by the protected
39 person:

40 (A) Proof that the sufficient proof of authority
41 for the representative to act on behalf of the
42 protected person is no longer valid.

43 (B) Sufficient proof of identification of the
44 protected person.

45 (ii) In the case of a request by a representative:

46 (A) Sufficient proof of identification of the
47 protected person and representative.

48 (B) Sufficient proof of authority to act on
49 behalf of the protected person.

50 (g) Timing of removal.--Within 30 days after receiving a
51 request that meets the requirements of subsection (f), the

1 consumer reporting agency shall remove the protected persons
2 security freeze.

3 (h) Notice.--Any time that a consumer is entitled to receive
4 a summary of rights under the Fair Credit Reporting Act (Public
5 Law 91-508, 15 U.S.C. § 1681g(c)), the following notice shall be
6 included:

7 Parents, guardians or custodians of a minor child under
8 16 years of age, guardians of an incapacitated person
9 under State law and guardians of a protected person under
10 State law have a right to have a record created with
11 certain consumer reporting agencies, more commonly known
12 as credit bureaus, to prevent the creation of a credit
13 report for a protected person as defined under the act.
14 To place or remove a record, you should contact a
15 consumer reporting agency at the contact point provided
16 for these requests. A consumer reporting agency may not
17 charge a fee for the placement and removal of a record.

18 (i) Effect of material misrepresentation of fact.--A
19 consumer reporting agency may remove a protected persons
20 security freeze or delete a record of a protected person if the
21 protected persons security freeze was placed or the record was
22 created based on a material misrepresentation of fact by the
23 protected person or representative.

24 (j) Remedy for violation of section.--A consumer reporting
25 agency's sole liability is for actual damages as a result of a
26 violation of this section.

27 Section 5. This act shall take effect as follows:

28 (1) The addition of section 10.1 of the act shall take
29 effect January 1, 2018, or immediately, whichever is later.

30 (2) This section shall take effect immediately.

31 (3) The remainder of this act shall take effect in 60
32 days.