

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1847 Session of 2017

INTRODUCED BY DRISCOLL, THOMAS, MILLARD, DAVIS, WARREN, BOBACK, ELLIS, RABB, BAKER, PICKETT, SCHLOSSBERG, V. BROWN, KORTZ, C. QUINN, D. COSTA, W. KELLER, PASHINSKI, HILL-EVANS, MILNE, IRVIN, KAMPF, HEFFLEY, WATSON, SCHWEYER, DeLUCA, KINSEY, BRADFORD, ROZZI, DONATUCCI, FRANKEL, NEILSON, SANTORA AND SOLOMON, OCTOBER 13, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 12, 2018

AN ACT

1 Amending the act of November 29, 2006 (P.L.1463, No.163),
2 entitled "An act providing for protection from identity
3 theft, for security freezes, for procedures for access after
4 imposition and removal of security freezes and for related
5 matters," further providing for definitions, FOR SECURITY <--
6 FREEZE and for fees; providing for credit monitoring and <--
7 consumer reports SERVICES; and prohibiting the waiver of <--
8 rights; and further providing for civil relief; AND PROVIDING <--
9 FOR PROTECTED PERSONS SECURITY FREEZE.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 2 of the act of November 29, 2006
13 (P.L.1463, No.163), known as the Credit Reporting Agency Act, is
14 amended by adding definitions to read: <--

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Breach of the security of the system." ~~The loss,~~ <--

1 ~~unauthorized access, acquisition or use of unencrypted data,~~
2 ~~encrypted data, the confidential process or key, that is capable~~
3 ~~of compromising the security or confidentiality of personal~~
4 ~~information maintained by the entity as part of a database of~~
5 ~~personal information regarding multiple individuals. The term~~
6 ~~does not include good faith acquisition of personal information~~
7 ~~by an employee or agent of the entity for the purposes of the~~
8 ~~entity if the personal information is not used for a purpose~~
9 ~~other than the lawful purpose of the entity and is not subject~~
10 ~~to further unauthorized disclosure.~~

11 * * *

12 ~~"Credit monitoring." The process of periodically reviewing a~~
13 ~~consumer report by a consumer for accuracy and changes that~~
14 ~~could be indicative of fraudulent activity.~~

15 * * *

16 THE UNAUTHORIZED ACCESS AND ACQUISITION OF UNENCRYPTED DATA, <--
17 OR ENCRYPTED DATA WITH THE CONFIDENTIAL PROCESS OR KEY REQUIRED
18 TO DECRYPT THE DATA, THAT IS LIKELY TO COMPROMISE THE SECURITY
19 OR CONFIDENTIALITY OF PERSONAL INFORMATION MAINTAINED BY THE
20 ENTITY AS PART OF A DATABASE OF PERSONAL INFORMATION REGARDING
21 MULTIPLE INDIVIDUALS AND THAT CAUSES OR THE ENTITY REASONABLY
22 BELIEVES HAS CAUSED OR WILL CAUSE LOSS OR INJURY TO ANY RESIDENT
23 OF THIS COMMONWEALTH. GOOD FAITH ACQUISITION OF PERSONAL
24 INFORMATION BY AN EMPLOYEE OR AGENT OF THE ENTITY FOR THE
25 PURPOSES OF THE ENTITY IS NOT A BREACH OF THE SECURITY OF THE
26 SYSTEM IF THE PERSONAL INFORMATION IS NOT USED FOR A PURPOSE
27 OTHER THAN THE LAWFUL PURPOSE OF THE ENTITY AND IS NOT SUBJECT
28 TO FURTHER UNAUTHORIZED DISCLOSURE.

29 "CONSUMER." AN INDIVIDUAL WHO IS NOT A PROTECTED PERSON.

30 "CONSUMER REPORT." A WRITTEN, ORAL OR OTHER COMMUNICATION OF

1 ANY INFORMATION BY A CONSUMER REPORTING AGENCY BEARING ON A
2 CONSUMER'S OR PROTECTED PERSON'S CREDITWORTHINESS, CREDIT
3 STANDING OR CREDIT CAPACITY.

4 "CONSUMER REPORTING AGENCY." ANY PERSON WHO, FOR MONETARY
5 FEES, DUES OR ON A COOPERATIVE BASIS, REGULARLY ENGAGES IN WHOLE
6 OR IN PART IN THE PRACTICE OF ASSEMBLING OR EVALUATING CONSUMER
7 CREDIT INFORMATION OR OTHER INFORMATION ON CONSUMERS OR
8 PROTECTED PERSONS FOR THE PURPOSE OF FURNISHING CONSUMER REPORTS
9 TO THIRD PARTIES.

10 "CREDIT MONITORING SERVICES." THE PROCESS OF PERIODICALLY
11 REVIEWING A CONSUMER REPORT FOR ACTIVITY AND CHANGES THAT COULD
12 BE INDICATIVE OF FRAUDULENT ACTIVITY AND REPORTING THE RESULTS
13 OF EACH REVIEW TO THE CONSUMER.

14 "PROTECTED PERSON." AN INDIVIDUAL WHO IS ANY OF THE
15 FOLLOWING:

16 (1) NOT EMANCIPATED AND UNDER 16 YEARS OF AGE AT THE
17 TIME A REQUEST FOR THE PLACEMENT OF A PROTECTED PERSONS
18 SECURITY FREEZE IS MADE.

19 (2) AN INCAPACITATED PERSON UNDER 20 PA.C.S. CH. 55
20 (RELATING TO INCAPACITATED PERSONS).

21 (3) A PROTECTED PERSON UNDER 20 PA.C.S. CH. 59 (RELATING
22 TO UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS
23 JURISDICTION).

24 "PROTECTED PERSONS SECURITY FREEZE." EITHER OF THE
25 FOLLOWING:

26 (1) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A FILE
27 PERTAINING TO A PROTECTED PERSON, A RESTRICTION THAT:

28 (I) IS PLACED ON THE PROTECTED PERSON'S RECORD IN
29 ACCORDANCE WITH SECTION 10.1.

30 (II) PROHIBITS THE CONSUMER REPORTING AGENCY FROM

1 RELEASING THE PROTECTED PERSON'S RECORD EXCEPT AS
2 PROVIDED IN SECTION 10.1.

3 (2) IF A CONSUMER REPORTING AGENCY HAS A FILE PERTAINING
4 TO A PROTECTED PERSON, A RESTRICTION THAT:

5 (I) IS PLACED ON THE PROTECTED PERSON'S CONSUMER
6 REPORT IN ACCORDANCE WITH SECTION 10.1.

7 (II) PROHIBITS THE CONSUMER REPORTING AGENCY FROM
8 RELEASING THE PROTECTED PERSON'S CONSUMER REPORT OR ANY
9 INFORMATION DERIVED FROM THE PROTECTED PERSON'S CONSUMER
10 REPORT EXCEPT AS PROVIDED IN SECTION 10.1.

11 "RECORD." A COMPILATION OF INFORMATION THAT:

12 (1) IDENTIFIES A PROTECTED PERSON.

13 (2) IS CREATED BY A CONSUMER REPORTING AGENCY SOLELY FOR
14 THE PURPOSE OF COMPLYING WITH SECTION 10.1.

15 (3) MAY NOT BE CREATED OR USED TO CONSIDER THE PROTECTED
16 PERSON'S CREDIT WORTHINESS, CREDIT STANDING, CREDIT CAPACITY,
17 CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS OR
18 MODE OF LIVING FOR ANY PURPOSE LISTED IN THE FAIR CREDIT
19 REPORTING ACT (PUBLIC LAW 91-508, 15 U.S.C. § 1681B).

20 "REPRESENTATIVE." A PERSON PROVIDING TO A CONSUMER REPORTING
21 AGENCY SUFFICIENT PROOF OF AUTHORITY TO ACT ON BEHALF OF A
22 PROTECTED PERSON.

23 "SECURITY FREEZE." A NOTICE PLACED ON A CONSUMER REPORT, AT
24 THE REQUEST OF THE CONSUMER AND SUBJECT TO CERTAIN EXCEPTIONS,
25 THAT PROHIBITS A CONSUMER REPORTING AGENCY FROM RELEASING THE
26 CONSUMER REPORT WITHOUT THE EXPRESS AUTHORIZATION OF THE
27 CONSUMER.

28 "SUFFICIENT PROOF OF AUTHORITY." DOCUMENTATION SHOWING THAT
29 A REPRESENTATIVE HAS AUTHORITY TO ACT ON BEHALF OF A PROTECTED
30 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 ~~Section 2. Section 9(a) of the act is amended to read:~~ <--

22 SECTION 2. SECTIONS 3(D) AND 9 OF THE ACT ARE AMENDED TO <--

23 READ:

24 SECTION 3. SECURITY FREEZE.

25 * * *

26 (D) DURATION OF FREEZE.--A SECURITY FREEZE SHALL:

27 (1) REMAIN IN PLACE [UNTIL THE EARLIER OF], EXCEPT AS
28 PROVIDED UNDER SECTION 7(A); OR

29 (2) BE REMOVED WITHIN THREE BUSINESS DAYS FROM THE DATE
30 THE CONSUMER REPORTING AGENCY RECEIVES A REQUEST FROM THE

1 CONSUMER TO REMOVE THE SECURITY FREEZE [OR UNTIL SEVEN YEARS
2 FROM THE DATE THAT THE SECURITY FREEZE WAS PUT IN PLACE BY
3 THE CONSUMER REPORTING AGENCY] IN ACCORDANCE WITH THIS ACT.

4 * * *

5 Section 9. Fees.

6 ~~(a) General rule.~~ <--

7 ~~(1) A consumer reporting agency may impose a reasonable~~
8 ~~charge on a consumer for initially placing a security freeze~~
9 ~~on a consumer report. The amount of the charge may not exceed~~
10 ~~[\$10] \$5. The charge to temporarily lift the security freeze~~
11 ~~may not exceed [\$10] \$5 per request. At no time shall the~~
12 ~~consumer be charged for removing the freeze.~~

13 ~~(2) A consumer reporting agency who has been affected by~~
14 ~~a breach of the security of the system may not impose a~~
15 ~~charge on a consumer for placing a security freeze on a~~
16 ~~consumer report.~~

17 * * *

18 [(A) GENERAL RULE.--A CONSUMER REPORTING AGENCY MAY IMPOSE A <--
19 REASONABLE CHARGE ON A CONSUMER FOR INITIALLY PLACING A SECURITY
20 FREEZE ON A CONSUMER REPORT. THE AMOUNT OF THE CHARGE MAY NOT
21 EXCEED \$10. THE CHARGE TO TEMPORARILY LIFT THE SECURITY FREEZE
22 MAY NOT EXCEED \$10 PER REQUEST. AT NO TIME SHALL THE CONSUMER BE
23 CHARGED FOR REMOVING THE FREEZE.

24 (B) EXCEPTIONS.--

25 (1) A CONSUMER WILL NOT BE CHARGED BY A CONSUMER
26 REPORTING AGENCY FOR PLACING A SECURITY FREEZE OR TEMPORARILY
27 LIFTING A SECURITY FREEZE IF THE CONSUMER IS A VICTIM OF
28 IDENTITY THEFT AND PROVIDES, OR HAS PROVIDED, THE CONSUMER
29 REPORTING AGENCY WITH A COPY OF A POLICE REPORT.

30 (2) A CONSUMER WILL NOT BE CHARGED BY A CONSUMER

1 REPORTING AGENCY FOR PLACING A SECURITY FREEZE IF THE
2 CONSUMER IS 65 YEARS OF AGE OR OLDER.

3 (C) CONFIRMATION REQUIRED.--IF A SECURITY FREEZE IS IN
4 PLACE, A CONSUMER REPORTING AGENCY SHALL NOT CHANGE ANY OF THE
5 FOLLOWING INFORMATION REGARDING A CONSUMER WITHOUT SENDING A
6 WRITTEN CONFIRMATION OF THE CHANGE TO THE CONSUMER WITHIN 30
7 DAYS OF THE CHANGE BEING POSTED:

8 (1) NAME.

9 (2) DATE OF BIRTH.

10 (3) SOCIAL SECURITY NUMBER.

11 (4) ADDRESS.

12 WRITTEN CONFIRMATION IS NOT REQUIRED FOR TECHNICAL MODIFICATIONS
13 OF A CONSUMER'S OFFICIAL INFORMATION, INCLUDING NAME AND STREET
14 ABBREVIATIONS, COMPLETE SPELLINGS OR TRANSPOSITION OF NUMBERS OR
15 LETTERS. IN THE CASE OF AN ADDRESS CHANGE, THE WRITTEN
16 CONFIRMATION SHALL BE SENT TO BOTH THE NEW ADDRESS AND TO THE
17 FORMER ADDRESS.] A CONSUMER REPORTING AGENCY MAY NOT IMPOSE A
18 CHARGE ON A CONSUMER FOR PLACING OR TEMPORARILY LIFTING A
19 SECURITY FREEZE ON A CONSUMER REPORT.

20 Section 3. The act is amended by adding sections to read:

21 Section 9.1. Credit monitoring and consumer reports SERVICES. <--

22 (a) Credit monitoring.—A consumer reporting agency which <--

23 has been affected by a breach of the security of the system

24 shall provide each consumer affected by the breach of the

25 security of the system with credit monitoring of the consumer's <--

26 consumer report SERVICES at no charge to the consumer for three <--

27 years following a breach of the security of the system. <--

28 (b) Consumer reports.—A consumer reporting agency which has

29 been affected by a breach of the security of the system shall

30 provide each consumer affected by the breach of the security of

1 ~~the system with up to three consumer reports for one calendar~~
2 ~~year after the breach is reported at no charge to the consumer.~~
3 FOLLOWING THE BREACH OF THE SECURITY OF THE SYSTEM. <--

4 Section 9.2. Prohibition.

5 A consumer reporting agency which has been affected by a
6 breach of the security of the system may not require a consumer
7 to waive the consumer's rights UNDER SECTION 9.1 in order to use <--
8 the CREDIT MONITORING services provided under section 9.1. <--

9 ~~Section 4. Section 10 of the act is amended to read:~~ <--

10 ~~Section 10. Civil relief.~~

11 ~~A violation of this act shall be deemed to be an unfair~~
12 ~~method of competition and an unfair or deceptive act or practice~~
13 ~~in violation of the act of December 17, 1968 (P.L.1224, No.387),~~
14 ~~known as the Unfair Trade Practices and Consumer Protection Law.~~
15 ~~The Office of Attorney General shall have exclusive authority to~~
16 ~~bring an action under the Unfair Trade Practices and Consumer~~
17 ~~Protection Law for a violation of this act.~~

18 ~~Section 5. This act shall take effect in 60 days.~~

19 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

20 SECTION 10.1. PROTECTED PERSONS SECURITY FREEZE.

21 (A) APPLICABILITY.--THE FOLLOWING SHALL APPLY:

22 (1) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS ACT,
23 THIS SECTION SHALL APPLY TO PROTECTED PERSONS AND THEIR
24 REPRESENTATIVES.

25 (2) THIS SECTION SHALL NOT APPLY TO:

26 (I) A PERSON OR ENTITY UNDER SECTION 3 (E) (1), (6),
27 (7), (8), (9), (10) OR (12).

28 (II) A PERSON OR ENTITY THAT MAINTAINS OR IS A
29 DATABASE USED SOLELY FOR ANY OF THE FOLLOWING:

30 (A) CRIMINAL RECORD INFORMATION.

1 (B) PERSONAL LOSS HISTORY INFORMATION.

2 (C) FRAUD PREVENTION OR DETECTION.

3 (D) EMPLOYMENT SCREENING.

4 (E) TENANT SCREENING.

5 (B) PLACEMENT.--THE FOLLOWING SHALL APPLY:

6 (1) A CONSUMER REPORTING AGENCY SHALL PLACE A PROTECTED
7 PERSONS SECURITY FREEZE IF:

8 (I) THE CONSUMER REPORTING AGENCY RECEIVES A REQUEST
9 FROM A REPRESENTATIVE FOR THE PLACEMENT OF THE PROTECTED
10 PERSONS SECURITY FREEZE.

11 (II) THE REPRESENTATIVE DOES THE FOLLOWING:

12 (A) SUBMITS THE REQUEST TO THE CONSUMER
13 REPORTING AGENCY AT THE ADDRESS OR OTHER POINT OF
14 CONTACT AND IN THE MANNER SPECIFIED BY THE CONSUMER
15 REPORTING AGENCY.

16 (B) PROVIDES TO THE CONSUMER REPORTING AGENCY
17 SUFFICIENT PROOF OF IDENTIFICATION OF THE PROTECTED
18 PERSON AND THE REPRESENTATIVE.

19 (C) PROVIDES TO THE CONSUMER REPORTING AGENCY
20 SUFFICIENT PROOF OF AUTHORITY TO ACT ON BEHALF OF THE
21 PROTECTED PERSON.

22 (2) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A FILE
23 PERTAINING TO A PROTECTED PERSON WHEN THE CONSUMER REPORTING
24 AGENCY RECEIVES A REQUEST UNDER PARAGRAPH (1), THE CONSUMER
25 REPORTING AGENCY SHALL CREATE A RECORD FOR THE PROTECTED
26 PERSON.

27 (C) TIMING OF PLACEMENT.--WITHIN 30 DAYS AFTER RECEIVING A
28 REQUEST THAT MEETS THE REQUIREMENTS UNDER SUBSECTION (B) (1), A
29 CONSUMER REPORTING AGENCY SHALL PLACE A PROTECTED PERSONS
30 SECURITY FREEZE.

1 (D) RELEASE OF CONSUMER REPORT PROHIBITED.--UNLESS A
2 PROTECTED PERSONS SECURITY FREEZE IS REMOVED IN ACCORDANCE WITH
3 SUBSECTION (F) OR (I), A CONSUMER REPORTING AGENCY MAY NOT
4 RELEASE THE PROTECTED PERSON'S CONSUMER REPORT, ANY INFORMATION
5 DERIVED FROM THE PROTECTED PERSON'S CONSUMER REPORT OR ANY
6 RECORD CREATED FOR THE PROTECTED PERSON.

7 (E) EFFECTIVE PERIOD.--A PROTECTED PERSONS SECURITY FREEZE
8 SHALL REMAIN IN EFFECT UNTIL EITHER OF THE FOLLOWING OCCURS:

9 (1) THE PROTECTED PERSON OR REPRESENTATIVE REQUESTS THE
10 CONSUMER REPORTING AGENCY TO REMOVE THE SECURITY FREEZE IN
11 ACCORDANCE WITH SUBSECTION (F).

12 (2) THE PROTECTED PERSONS SECURITY FREEZE IS REMOVED IN
13 ACCORDANCE WITH SUBSECTION (I).

14 (F) REMOVAL.--IF A PROTECTED PERSON OR REPRESENTATIVE WISHES
15 TO REMOVE A PROTECTED PERSONS SECURITY FREEZE, THE PROTECTED
16 PERSON OR REPRESENTATIVE SHALL:

17 (1) SUBMIT A REQUEST FOR THE REMOVAL OF THE SECURITY
18 FREEZE TO THE CONSUMER REPORTING AGENCY AT THE ADDRESS OR
19 OTHER POINT OF CONTACT AND IN THE MANNER SPECIFIED BY THE
20 CONSUMER REPORTING AGENCY.

21 (2) PROVIDE THE FOLLOWING TO THE CONSUMER REPORTING
22 AGENCY:

23 (I) IN THE CASE OF A REQUEST BY THE PROTECTED
24 PERSON:

25 (A) PROOF THAT THE SUFFICIENT PROOF OF AUTHORITY
26 FOR THE REPRESENTATIVE TO ACT ON BEHALF OF THE
27 PROTECTED PERSON IS NO LONGER VALID.

28 (B) SUFFICIENT PROOF OF IDENTIFICATION OF THE
29 PROTECTED PERSON.

30 (II) IN THE CASE OF A REQUEST BY A REPRESENTATIVE:

1 (A) SUFFICIENT PROOF OF IDENTIFICATION OF THE
2 PROTECTED PERSON AND REPRESENTATIVE.

3 (B) SUFFICIENT PROOF OF AUTHORITY TO ACT ON
4 BEHALF OF THE PROTECTED PERSON.

5 (G) TIMING OF REMOVAL.--WITHIN 30 DAYS AFTER RECEIVING A
6 REQUEST THAT MEETS THE REQUIREMENTS OF SUBSECTION (F), THE
7 CONSUMER REPORTING AGENCY SHALL REMOVE THE PROTECTED PERSONS
8 SECURITY FREEZE.

9 (H) NOTICE.--ANY TIME THAT A CONSUMER IS ENTITLED TO RECEIVE
10 A SUMMARY OF RIGHTS UNDER THE FAIR CREDIT REPORTING ACT (PUBLIC
11 LAW 91-508, 15 U.S.C. § 1681G(C)), THE FOLLOWING NOTICE SHALL BE
12 INCLUDED:

13 PARENTS, GUARDIANS OR CUSTODIANS OF A MINOR CHILD UNDER
14 16 YEARS OF AGE, GUARDIANS OF AN INCAPACITATED PERSON
15 UNDER STATE LAW AND GUARDIANS OF A PROTECTED PERSON UNDER
16 STATE LAW HAVE A RIGHT TO HAVE A RECORD CREATED WITH
17 CERTAIN CONSUMER REPORTING AGENCIES, MORE COMMONLY KNOWN
18 AS CREDIT BUREAUS, TO PREVENT THE CREATION OF A CREDIT
19 REPORT FOR A PROTECTED PERSON AS DEFINED UNDER THE ACT.
20 TO PLACE OR REMOVE A RECORD, YOU SHOULD CONTACT A
21 CONSUMER REPORTING AGENCY AT THE CONTACT POINT PROVIDED
22 FOR THESE REQUESTS. A CONSUMER REPORTING AGENCY MAY NOT
23 CHARGE A FEE FOR THE PLACEMENT AND REMOVAL OF A RECORD.

24 (I) EFFECT OF MATERIAL MISREPRESENTATION OF FACT.--A
25 CONSUMER REPORTING AGENCY MAY REMOVE A PROTECTED PERSONS
26 SECURITY FREEZE OR DELETE A RECORD OF A PROTECTED PERSON IF THE
27 PROTECTED PERSONS SECURITY FREEZE WAS PLACED OR THE RECORD WAS
28 CREATED BASED ON A MATERIAL MISREPRESENTATION OF FACT BY THE
29 PROTECTED PERSON OR REPRESENTATIVE.

30 (J) REMEDY FOR VIOLATION OF SECTION.--A CONSUMER REPORTING

1 AGENCY'S SOLE LIABILITY IS FOR ACTUAL DAMAGES AS A RESULT OF A
2 VIOLATION OF THIS SECTION.

3 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

4 (1) THE ADDITION OF SECTION 10.1 OF THE ACT SHALL TAKE
5 EFFECT JANUARY 1, 2018, OR IMMEDIATELY, WHICHEVER IS LATER.

6 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

7 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
8 DAYS.