
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 935 Session of
2019

INTRODUCED BY BARRAR, DeLUCA, LAWRENCE, MILLARD, MURT, NEILSON,
SCHLOSSBERG AND STRUZZI, MARCH 25, 2019

REFERRED TO COMMITTEE ON COMMERCE, MARCH 25, 2019

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 and for security
6 freeze; and providing for protected persons security freeze.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2 and 3(d) of the act of November 29,
10 2006 (P.L.1463, No.163), known as the Credit Reporting Agency
11 Act, are amended to read:

12 Section 2. Definitions.

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

16 "Consumer." An individual who is not a protected person.

17 "Consumer report." A written, oral or other communication of
18 any information by a consumer reporting agency bearing on a
19 consumer's or protected person's creditworthiness, credit
20 standing or credit capacity.

1 "Consumer reporting agency." Any person who, for monetary
2 fees, dues or on a cooperative basis, regularly engages in whole
3 or in part in the practice of assembling or evaluating consumer
4 credit information or other information on consumers or
5 protected persons for the purpose of furnishing consumer reports
6 to third parties.

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

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

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

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

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

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

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

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

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

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

30 (ii) Prohibits the consumer reporting agency from

1 releasing the protected person's consumer report or any
2 information derived from the protected person's consumer
3 report except as provided in section 10.1.

4 "Record." A compilation of information that:

5 (1) Identifies a protected person.

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

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

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

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

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

24 (1) An order issued by a court of law.

25 (2) A lawfully executed and valid power of attorney.

26 (3) A written and notarized statement signed by the
27 representative that expressly describes the authority of the
28 representative to act on behalf of the protected person.

29 "Sufficient proof of identification." Information or
30 documentation that identifies a protected person or a

1 representative, including, but not limited to, any of the
2 following:

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

5 (2) A certified or official copy of a birth certificate
6 issued by the entity authorized to issue the birth
7 certificate.

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

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

14 Section 3. Security freeze.

15 * * *

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

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

19 (2) be removed within three business days from the date
20 the consumer reporting agency receives a request from the
21 consumer to remove the security freeze [or until seven years
22 from the date that the security freeze was put in place by
23 the consumer reporting agency] in accordance with this act.

24 * * *

25 Section 2. The act is amended by adding a section to read:

26 Section 10.1. Protected persons security freeze.

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

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

1 (2) This section shall not apply to:

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

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

6 (A) Criminal record information.

7 (B) Personal loss history information.

8 (C) Fraud prevention or detection.

9 (D) Employment screening.

10 (E) Tenant screening.

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

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

14 (i) The consumer reporting agency receives a request
15 from a representative for the placement of the protected
16 persons security freeze.

17 (ii) The representative does the following:

18 (A) Submits the request to the consumer
19 reporting agency at the address or other point of
20 contact and in the manner specified by the consumer
21 reporting agency.

22 (B) Provides to the consumer reporting agency
23 sufficient proof of identification of the protected
24 person and the representative.

25 (C) Provides to the consumer reporting agency
26 sufficient proof of authority to act on behalf of the
27 protected person.

28 (D) Pays to the consumer reporting agency a fee
29 as provided in subsection (i).

30 (2) If a consumer reporting agency does not have a file

1 pertaining to a protected person when the consumer reporting
2 agency receives a request under paragraph (1), the consumer
3 reporting agency shall create a record for the protected
4 person.

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

9 (d) Release of consumer report prohibited.--Unless a
10 protected persons security freeze is removed in accordance with
11 subsection (f) or (j), a consumer reporting agency may not
12 release the protected person's consumer report, any information
13 derived from the protected person's consumer report or any
14 record created for the protected person.

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

17 (1) The protected person or representative requests the
18 consumer reporting agency to remove the security freeze in
19 accordance with subsection (f).

20 (2) The protected persons security freeze is removed in
21 accordance with subsection (j).

22 (f) Removal.--If a protected person or representative wishes
23 to remove a protected persons security freeze, the protected
24 person or representative shall:

25 (1) Submit a request for the removal of the security
26 freeze to the consumer reporting agency at the address or
27 other point of contact and in the manner specified by the
28 consumer reporting agency.

29 (2) Provide the following to the consumer reporting
30 agency:

1 (i) In the case of a request by the protected
2 person:

3 (A) Proof that the sufficient proof of authority
4 for the representative to act on behalf of the
5 protected person is no longer valid.

6 (B) Sufficient proof of identification of the
7 protected person.

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

9 (A) Sufficient proof of identification of the
10 protected person and representative.

11 (B) Sufficient proof of authority to act on
12 behalf of the protected person.

13 (3) Pay to the consumer reporting agency a fee as
14 provided in subsection (i).

15 (g) Timing of removal.--Within 30 days after receiving a
16 request that meets the requirements of subsection (f), the
17 consumer reporting agency shall remove the protected persons
18 security freeze.

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

23 Parents, guardians or custodians of a minor child under
24 16 years of age, guardians of an incapacitated person
25 under State law and guardians of a protected person under
26 State law have a right to have a record created with
27 certain consumer reporting agencies, more commonly known
28 as credit bureaus, to prevent the creation of a credit
29 report for a protected person as defined under the act.
30 To place or remove a record, you should contact a

1 consumer reporting agency at the contact point provided
2 for these requests. Consumer reporting agencies have a
3 right to charge \$10 for the placement and removal of a
4 record, except for victims of identity theft and for
5 those under 16 years of age and in foster care.

6 (i) Fees.--The following shall apply:

7 (1) Subject to paragraph (2), a consumer reporting
8 agency may charge a reasonable fee, not exceeding \$10, for
9 each placement or removal of a protected persons security
10 freeze.

11 (2) Notwithstanding paragraph (1), a consumer reporting
12 agency may not charge any fee under this section if either of
13 the following applies:

14 (i) the representative has obtained a report from a
15 law enforcement agency alleging identity fraud against
16 the protected person and provides a copy of the report to
17 the consumer reporting agency; or

18 (ii) a request for the placement or removal of a
19 protected persons security freeze is for a protected
20 person who is under 16 years of age and in foster care at
21 the time of the request.

22 (j) Effect of material misrepresentation of fact.--A
23 consumer reporting agency may remove a protected persons
24 security freeze or delete a record of a protected person if the
25 protected persons security freeze was placed or the record was
26 created based on a material misrepresentation of fact by the
27 protected person or representative.

28 (k) Remedy for violation of section.--A consumer reporting
29 agency's sole liability is for actual damages as a result of a
30 violation of this section.

1 Section 3. This act shall take effect as follows:

2 (1) The addition of section 10.1 of the act shall take
3 effect January 1, 2020, or immediately, whichever is later.

4 (2) This section shall take effect immediately.

5 (3) The remainder of this act shall take effect in 60
6 days.