

AMENDMENT

|

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: SB 93

1 Page 1, line 1, following "Act":

2 Insert "relating to the fees that may be charged by a consumer credit reporting
3 agency; relating to the placement of security freezes on credit reports and credit scores;
4 and"

5

6 Page 1, following line 3:

7 Insert new bill sections to read:

8 ** Section 1. AS 45.48.160(a) is amended to read:

9 (a) Except as provided by [(b).] (c) [, OR (d)] of this section, a consumer
10 credit reporting agency may not charge a consumer to place or remove a security
11 freeze, to provide access under AS 45.48.130, or to take any other action, including
12 the issuance of a personal identification number, password, or similar device under
13 AS 45.48.120, that is related to the placement of, removal of, or allowing access to a
14 credit report or credit score on which a security freeze has been placed.

15 * Sec. 2. AS 45.48.160(e) is amended to read:

16 (e) A consumer credit reporting agency may not charge a consumer a fee
17 under [(b) OR] (c) of this section if the consumer has been a victim of identity theft
18 and provides the consumer credit reporting agency with a complaint filed by the
19 consumer with a law enforcement agency.

20 * Sec. 3. AS 45.48.170 is amended to read:

21 **Sec. 45.48.170. Notice of rights.** When a consumer credit reporting agency is
22 required to give a consumer a summary of rights under 15 U.S.C. 1681g (Fair Credit
23 Reporting Act), a consumer credit reporting agency shall also give the consumer the

1 following notice:

Consumers Have the Right to Obtain a Security Freeze

You may obtain a security freeze on your credit report and credit score **without charge** [FOR \$5] to protect your privacy and ensure that credit is not granted in your name without your knowledge. [YOU MAY NOT HAVE TO PAY THE \$5 CHARGE IF YOU ARE A VICTIM OF IDENTITY THEFT.] You have a right to place a security freeze on your credit report and credit score under state law (AS 45.48.100 - 45.48.290).

The security freeze will prohibit a consumer credit reporting agency from releasing your credit score and any information in your credit report without your express authorization or approval.

The security freeze is designed to prevent credit, loans, and other services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report and credit score may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, a mortgage, a governmental service, a governmental payment, a cellular telephone, a utility, an Internet credit card application, an extension of credit at point of sale, and other items and services.

When you place a security freeze on your credit report and credit score, within 10 business days, you will be provided a personal identification number, password, or similar device to use if you choose to remove the freeze on your credit report and credit score or to temporarily authorize the release of your credit report and credit score to a specific third party or specific third parties or for a specific period of time after the freeze is in place. To provide that authorization, you must contact the consumer credit reporting agency and provide all of the following:

- (1) proper identification to verify your identity;
- (2) the personal identification number, password, or similar device provided by the consumer credit reporting agency;
- (3) proper information necessary to identify the third party or third parties who are authorized to receive the credit report and credit score or the specific period of time for which the credit report and credit score are to be available to third parties.

A consumer credit reporting agency that receives your request to temporarily lift a freeze on a credit report and credit score is required to comply with the request within 15 minutes, except after normal business hours and under certain other conditions, after receiving your request if you make the request by telephone, or an electronic method if the agency provides an electronic method, or within three business days after receiving your request if you make the request by mail. The consumer credit reporting agency may charge you \$2 to temporarily lift the freeze. **You may not have to pay the \$2 charge if you are a victim of identity theft.**

A security freeze does not apply to circumstances where you have an existing account relationship and a copy of your credit report and credit score are requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

If you are actively seeking credit, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around, or specifically for a certain creditor, days before applying for new credit.

You have a right to bring a civil action against someone who violates your rights under these laws on security freezes. The action can be brought against a consumer credit reporting agency."

1 Page 1, line 4:

2 Delete "Section 1"

3 Insert "Sec. 4"

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5 Renumber the following bill sections accordingly.

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7 Page 6, following line 28:

8 Insert a new bill section to read:

9 "**Sec. 6. AS 45.48.160(b) and 45.48.160(d) are repealed.**"

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11 Renumber the following bill section accordingly.