

**CS FOR HOUSE BILL NO. 65(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/21/08

Referred: Rules

Sponsor(s): REPRESENTATIVES COGHILL AND GARA, Hawker, Lynn, Samuels, Fairclough, Ramras, Kawasaki, Kerttula, Gatto, Neuman, Olson, Dahlstrom, Gardner, Johnson, Wilson, Guttenberg, Holmes, Nelson, Crawford, LeDoux, Keller, Doogan, Buch, Roses, Cissna, Meyer

SENATORS Therriault, Wilken

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to breaches of security involving personal information, credit report  
2 and credit score security freezes, protection of social security numbers, care of records,  
3 disposal of records, identity theft, credit cards, and debit cards, and to the jurisdiction of  
4 the office of administrative hearings; amending Rules 60 and 82, Alaska Rules of Civil  
5 Procedure; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 \* **Section 1.** AS 40.21.110 is amended to read:

8 **Sec. 40.21.110. Care of records.** Except for public records lawfully in the  
9 possession of a person other than the state, public records of existing or defunct  
10 agencies of the state, territorial, and Russian governments in Alaska are the property  
11 of the state and shall be created, maintained, preserved, stored, transferred, destroyed  
12 or disposed of, and otherwise managed in accordance with the provisions of this  
13 chapter and AS 45.48.500 - 45.48.530. Records shall be delivered by outgoing

officials and employees to their successors, and may not be removed, destroyed or disposed of, except as provided in this chapter **and AS 45.48.500 - 45.48.530.**

\* **Sec. 2.** AS 44.64.030(a) is amended by adding a new paragraph to read:

(40) AS 45.48.080(c) (breach of security involving personal information).

\* **Sec. 3.** AS 45 is amended by adding a new chapter to read:

**Chapter 48. Personal Information Protection Act.**

**Article 1. Breach of Security Involving Personal Information.**

**Sec. 45.48.010. Disclosure of breach of security.** (a) If a covered person owns or licenses personal information in any form that includes personal information on a state resident, and a breach of the security of the information system that contains personal information occurs, the covered person shall, after discovering or being notified of the breach, disclose the breach to each state resident whose personal information was subject to the breach.

(b) An information collector shall make the disclosure required by (a) of this section in the most expeditious time possible and without unreasonable delay, except as provided in AS 45.48.020 and as necessary to determine the scope of the breach and restore the reasonable integrity of the information system.

(c) Notwithstanding (a) of this section, disclosure is not required if, after an appropriate investigation or after consultation with relevant federal, state, or local agencies responsible for law enforcement, the covered person determines that there is not a reasonable likelihood that harm to the consumers whose personal information has been acquired has resulted or will result from the breach. The determination shall be documented in writing and the documentation shall be maintained for five years.

**Sec. 45.48.020. Allowable delay in notification.** An information collector may delay disclosing the breach under AS 45.48.010 if an appropriate law enforcement agency determines that disclosing the breach will interfere with a criminal investigation. However, the information collector shall disclose the breach to the state resident in the most expeditious time possible and without unreasonable delay after the law enforcement agency informs the information collector in writing that disclosure of the breach will no longer interfere with the investigation.

1           **Sec. 45.48.030. Methods of notice.** An information collector shall make the  
2 disclosure required by AS 45.48.010

3                   (1) by a written document sent to the most recent address the  
4 information collector has for the state resident;

5                   (2) by electronic means if making the disclosure by the electronic  
6 means is consistent with the provisions regarding electronic records and signatures  
7 required for notices legally required to be in writing under 15 U.S.C. 7001 et seq.  
8 (Electronic Signatures in Global and National Commerce Act); or

9                   (3) if the information collector demonstrates that the cost of providing  
10 notice would exceed \$150,000, that the affected class of state residents to be notified  
11 exceeds 300,000, or that the information collector does not have sufficient contact  
12 information to provide notice, by

13                           (A) electronic mail if the information collector has an  
14 electronic mail address for the state resident;

15                           (B) conspicuously posting the disclosure on the Internet  
16 website of the information collector if the information collector maintains an  
17 Internet site; and

18                           (C) providing a notice to major statewide media.

19           **Sec. 45.48.040. Notification of certain other agencies.** (a) If an information  
20 collector is required by AS 45.48.010 to notify more than 1,000 state residents of a  
21 breach, the information collector shall also notify without unreasonable delay all  
22 consumer credit reporting agencies that compile and maintain files on consumers on a  
23 nationwide basis and provide the agencies with the timing, distribution, and content of  
24 the notices.

25                   (b) This section may not be construed to require the information collector to  
26 provide the consumer reporting agencies identified under (a) of this section with the  
27 names or other personal information of the state residents whose personal information  
28 was subject to the breach.

29                   (c) This section does not apply to an information collector who is subject to 15  
30 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act).

31                   (d) In this section, "consumer reporting agency that compiles and maintains

1 files on consumers on a nationwide basis" has the meaning given in 15 U.S.C.  
2 1681a(p).

3 **Sec. 45.48.050. Exception for employees and agents.** In AS 45.48.010 -  
4 45.48.090, the good faith acquisition of personal information by an employee or agent  
5 of an information collector for a legitimate purpose of the information collector is not  
6 a breach of the security of the information system if the employee or agent does not  
7 use the personal information for a purpose unrelated to a legitimate purpose of the  
8 information collector and does not make further unauthorized disclosure of the  
9 personal information.

10 **Sec. 45.48.060. Waivers.** A waiver of AS 45.48.010 - 45.48.090 is void and  
11 unenforceable.

12 **Sec. 45.48.070. Treatment of certain breaches.** (a) If a breach of the security  
13 of the information system containing personal information on a state resident that is  
14 maintained by an information recipient occurs, the information recipient is not  
15 required to comply with AS 45.48.010 - 45.48.030. However, immediately after the  
16 information recipient discovers the breach, the information recipient shall notify the  
17 information distributor who owns the personal information or who licensed the use of  
18 the personal information to the information recipient about the breach and cooperate  
19 with the information distributor as necessary to allow the information distributor to  
20 comply with (b) of this section. In this subsection, "cooperate" means sharing with the  
21 information distributor information relevant to the breach, except for confidential  
22 business information or trade secrets.

23 (b) If an information recipient notifies an information distributor of a breach  
24 under (a) of this section, the information distributor shall comply with AS 45.48.010 -  
25 45.48.030 as if the breach occurred to the information system maintained by the  
26 information distributor.

27 **Sec. 45.48.080. Violations.** (a) If an information collector who is a  
28 governmental agency violates AS 45.48.010 - 45.48.090 with regard to the personal  
29 information of a state resident, the information collector

30 (1) is liable to the state for a civil penalty of up to \$500 for each state  
31 resident who was not notified under AS 45.48.010 - 45.48.090, but the total civil

1 penalty may not exceed \$50,000; and

2 (2) may be enjoined from further violations.

3 (b) If an information collector who is not a governmental agency violates  
4 AS 45.48.010 - 45.48.090 with regard to the personal information of a state resident,  
5 the violation is an unfair or deceptive act or practice under AS 45.50.471 - 45.50.561.  
6 However,

7 (1) the information collector is not subject to the civil penalties  
8 imposed under AS 45.50.551 but is liable to the state for a civil penalty of up to \$500  
9 for each state resident who was not notified under AS 45.48.010 - 45.48.090, except  
10 that the total civil penalty may not exceed \$50,000; and

11 (2) damages that may be awarded against the information collector  
12 under

13 (A) AS 45.50.531 are limited to actual economic damages that  
14 do not exceed \$500; and

15 (B) AS 45.50.537 are limited to actual economic damages.

16 (c) The Department of Administration may enforce (a) of this section against a  
17 governmental agency. The procedure for review of an order or action of the  
18 department under this subsection is the same as the procedure provided by AS 44.62  
19 (Administrative Procedure Act), except that the office of administrative hearings  
20 (AS 44.64.010) shall conduct the hearings in contested cases and the decision may be  
21 appealed under AS 44.64.030(c).

22 **Sec. 45.48.090. Definitions.** In AS 45.48.010 - 45.48.090,

23 (1) "breach of the security" means unauthorized acquisition, or  
24 reasonable belief of unauthorized acquisition, of personal information that  
25 compromises the security, confidentiality, or integrity of the personal information  
26 maintained by the information collector; in this paragraph, "acquisition" includes  
27 acquisition by

28 (A) photocopying, facsimile, or other paper-based method;

29 (B) a device, including a computer, that can read, write, or  
30 store information that is represented in numerical form; or

31 (C) a method not identified by (A) or (B) of this paragraph;

- 1 (2) "covered person" means a  
 2 (A) person doing business;  
 3 (B) a governmental agency; or  
 4 (C) a person with more than 10 employees;
- 5 (3) "governmental agency" means a state or local governmental  
 6 agency, except for an agency of the judicial branch;
- 7 (4) "information collector" means a covered person who owns or  
 8 licenses personal information in any form if the personal information includes  
 9 personal information on a state resident;
- 10 (5) "information distributor" means a person who is an information  
 11 collector and who owns or licenses personal information to an information recipient;
- 12 (6) "information recipient" means a person who is an information  
 13 collector but who does not own or have the right to license to another information  
 14 collector the personal information received by the person from an information  
 15 distributor;
- 16 (7) "personal information" means information in any form on an  
 17 individual that is not encrypted or redacted, or is encrypted and the encryption key has  
 18 been accessed or acquired, and that consists of a combination of
- 19 (A) an individual's name; in this subparagraph, "individual's  
 20 name" means a combination of an individual's
- 21 (i) first name or first initial; and  
 22 (ii) last name; and
- 23 (B) one or more of the following information elements:
- 24 (i) the individual's social security number;  
 25 (ii) the individual's driver's license number or state  
 26 identification card number;
- 27 (iii) except as provided in (iv) of this subparagraph, the  
 28 individual's account number, credit card number, or debit card number;
- 29 (iv) if an account can only be accessed with a personal  
 30 code, the number in (iii) of this subparagraph and the personal code; in  
 31 this sub-subparagraph, "personal code" means a security code, an

1 access code, a personal identification number, or a password;

2 (v) passwords, personal identification numbers, or other

3 access codes for financial accounts.

4 **Article 2. Credit Report and Credit Score Security Freeze.**

5 **Sec. 45.48.100. Security freeze authorized.** A consumer may prohibit a  
6 consumer credit reporting agency from releasing all or a part of the consumer's credit  
7 report or credit score without the express authorization of the consumer by placing a  
8 security freeze on the consumer's credit report.

9 **Sec. 45.48.110. Placement of security freeze.** (a) To place a security freeze, a  
10 consumer shall make the request to the consumer credit reporting agency

11 (1) by mail to the address designated by the consumer credit reporting  
12 agency to receive security freeze requests; or

13 (2) as allowed by (b) of this section.

14 (b) A consumer may make a request under (a) of this section by telephone or  
15 by fax, the Internet, or other electronic media if the consumer credit reporting agency  
16 has developed procedures for using the telephone or an electronic medium to receive  
17 and process the request in an expedited manner.

18 (c) A consumer credit reporting agency shall place a security freeze within  
19 five business days after receiving a request under (a) or (b) of this section and proper  
20 identification from the consumer.

21 **Sec. 45.48.120. Confirmation of security freeze.** (a) Within 10 business days  
22 after a consumer makes the request under AS 45.48.110, a consumer credit reporting  
23 agency shall send a written confirmation of the placement of the security freeze to the  
24 consumer. The confirmation must also inform the consumer that the consumer credit  
25 reporting agency may charge, as allowed by AS 45.48.160(c), a fee for third-party  
26 access during the security freeze.

27 (b) At the same time that the consumer credit reporting agency sends a  
28 confirmation under (a) of this section, the consumer credit reporting agency shall  
29 provide the consumer with a unique personal identification number, password, or  
30 similar device to be used by the consumer when the consumer authorizes the release of  
31 the consumer's credit report or credit score under AS 45.48.130.

1           **Sec. 45.48.130. Access and actions during security freeze.** (a) While a  
2 security freeze is in place, a consumer credit reporting agency shall allow a third party  
3 access to a consumer's credit report or credit score if the consumer requests that the  
4 consumer credit reporting agency allow the access.

5           (b) To make a request under (a) of this section, the consumer shall contact the  
6 consumer credit reporting agency by mail at the address designated by the consumer  
7 credit reporting agency to receive security freeze requests or as allowed by (c) of this  
8 section, authorize the consumer credit reporting agency to allow the access, and  
9 provide the consumer credit reporting agency with

10                         (1) proper identification to verify the consumer's identity;

11                         (2) the unique personal identification number, password, or similar  
12 device provided under AS 45.48.120(b); and

13                         (3) the proper information necessary to identify the third party to  
14 whom the consumer credit reporting agency may allow the access or the time period  
15 during which the consumer credit reporting agency may allow the access to third  
16 parties who request the access.

17           (c) In addition to making the request by mail, a consumer may make a request  
18 under (a) of this section by telephone or by fax, the Internet, or other electronic media  
19 if the consumer credit reporting agency has developed procedures for using the  
20 telephone or an electronic medium to receive and process the request in an expedited  
21 manner.

22           (d) A consumer credit reporting agency that receives a request from a  
23 consumer under (b) or (c) of this section shall comply with the request within 15  
24 minutes after receiving the request by telephone or by an electronic medium or within  
25 three business days after receiving the request by mail.

26           (e) If a security freeze is in place, a consumer credit reporting agency may not  
27 release the credit report or credit score to a third party without the prior express  
28 authorization of the consumer.

29           (f) If a security freeze is in place on a consumer's credit report and credit score  
30 and if a third party applies to a consumer credit reporting agency to provide the third  
31 party with access to the consumer's credit report or credit score, the consumer credit

1 reporting agency and, except as provided for insurers under (g) of this section, the  
2 third party may treat the third party's application as incomplete unless the consumer  
3 authorizes the access under (a) of this section.

4 (g) If an insurer requests access to a consumer's credit report and credit score  
5 on which a security freeze is in place, unless the consumer authorizes access under (a)  
6 of this section, the insurer may, notwithstanding AS 21.36.460,

7 (1) treat the consumer's application as incomplete;

8 (2) decline the consumer's application if the consumer does not lift the  
9 security freeze for the insurer after a request by the insurer or the insurer's agent;

10 (3) treat the consumer as if the consumer has a neutral credit rating;

11 (4) exclude the use of credit information as a factor and use only  
12 underwriting criteria; or

13 (5) treat the consumer in a manner that is otherwise approved by the  
14 division of insurance.

15 (h) If a security freeze is in place, a consumer credit reporting agency may not  
16 change the consumer's official information in the consumer's credit report and credit  
17 score without sending a written statement of the change to the consumer within 30  
18 days after the change is made. A consumer credit reporting agency is not required to  
19 send a written statement if the consumer credit reporting agency makes a technical  
20 change in the consumer's official information. If a consumer credit reporting agency  
21 makes a change, other than a technical change, in a consumer's address, the consumer  
22 credit reporting agency shall send the written statement to the consumer at both the  
23 new address and the former address. In this subsection,

24 (1) "official information" means name, birth date, social security  
25 number, and address;

26 (2) "technical change" means changing spelling, transposing numbers  
27 or letters, abbreviating a word, or spelling out an abbreviation.

28 (i) This section is not intended to prevent a consumer credit reporting agency  
29 from advising a third party that requests access to a consumer's credit report or credit  
30 score that a security freeze is in effect.

31 (j) The procedures used by a consumer credit reporting agency for

1 implementing the provisions of this section may include the use of telephone,  
2 facsimile, or electronic means if making the disclosure by the electronic means is  
3 consistent with the provisions regarding electronic records and signatures required for  
4 notices legally required to be in writing under 15 U.S.C. 7001 et seq. (Electronic  
5 Signatures in Global and National Commerce Act).

6 **Sec. 45.48.140. Removal of security freeze.** (a) Except as provided by  
7 AS 45.48.130, a consumer credit reporting agency may not remove a security freeze  
8 unless

9 (1) the consumer requests that the consumer credit reporting agency  
10 remove the security freeze under (b) of this section; or

11 (2) the consumer made a material misrepresentation of fact to the  
12 consumer credit reporting agency when the consumer requested the security freeze  
13 under AS 45.48.110; if a consumer credit reporting agency intends to remove a  
14 security freeze on a consumer's credit report under this paragraph, the consumer credit  
15 reporting agency shall notify the consumer in writing before removing the security  
16 freeze.

17 (b) A consumer credit reporting agency shall remove a security freeze within  
18 three days after receiving a request for removal from the consumer who requested the  
19 security freeze.

20 (c) To make a request under (b) of this section, the consumer shall contact the  
21 consumer credit reporting agency by mail or as allowed by (d) of this section,  
22 authorize the consumer credit reporting agency to remove the security freeze, and  
23 provide the consumer credit reporting agency with

24 (1) proper identification to verify the consumer's identity; and

25 (2) the unique personal identification number, password, or similar  
26 device provided under AS 45.48.120(b).

27 (d) In addition to mail, a consumer may make a request under (b) of this  
28 section by telephone or by fax, the Internet, or other electronic media if the consumer  
29 credit reporting agency has developed procedures for using the telephone or an  
30 electronic medium to receive and process the request in an expedited manner.

31 **Sec. 45.48.150. Prohibition.** When dealing with a third party, a consumer

1 credit reporting agency may not suggest, state, or imply that a consumer's security  
2 freeze reflects a negative credit score, history, report, or rating.

3 **Sec. 45.48.160. Charges.** (a) Except as provided by (b), (c), or (d) of this  
4 section, a consumer credit reporting agency may not charge a consumer to place or  
5 remove a security freeze, to provide access under AS 45.48.130, or to take any other  
6 action, including the issuance of a personal identification number, password, or similar  
7 device under AS 45.48.120, that is related to the placement of, removal of, or allowing  
8 access to a credit report or credit score on which a security freeze has been placed.

9 (b) A consumer credit reporting agency may charge a consumer \$10 for  
10 placing a security freeze.

11 (c) If a consumer makes more than two access requests during a calendar year,  
12 a consumer credit reporting agency may charge the consumer \$2 for each additional  
13 access request made by the consumer during that calendar year. In this subsection,  
14 "access request" means a request made by the consumer under AS 45.48.130 to allow  
15 third-party access to the consumer's credit report or credit score on which a security  
16 freeze has been placed.

17 (d) If a consumer fails to retain a personal identification number, password, or  
18 similar device issued under AS 45.48.120, a consumer credit reporting agency may  
19 charge the consumer up to \$5 for each time after the first time that the consumer credit  
20 reporting agency issues the consumer another personal identification number,  
21 password, or similar device because the consumer failed to retain the personal  
22 identification number, password, or similar device.

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

27 **Consumers Have the Right to Obtain a Security Freeze**

28 You may obtain a security freeze on your credit report and  
29 credit score for \$10 to protect your privacy and ensure that credit is not  
30 granted in your name without your knowledge. You have a right to  
31 place a "security freeze" on your credit report and credit score under

1 state law (AS 45.48.100 - 45.48.290).

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

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

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

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

31 A consumer credit reporting agency that receives your request

1 to temporarily lift a freeze on a credit report and credit score is required  
2 to comply with the request within 15 minutes after receiving your  
3 request if you make the request by telephone, or an electronic method if  
4 the agency provides an electronic method, or within three business days  
5 after receiving your request if you make the request by mail. After the  
6 first two requests in a year, the consumer credit reporting agency may  
7 charge you \$2 to temporarily lift the freeze.

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

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

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

21 **Sec. 45.48.180. Notification after violation.** If a consumer credit reporting  
22 agency violates a security freeze by releasing a consumer's credit report or credit  
23 score, the consumer credit reporting agency shall notify the consumer within five  
24 business days after discovering or being notified of the release, and the information in  
25 the notice must include an identification of the information released and of the third  
26 party who received the information.

27 **Sec. 45.48.190. Resellers.** A consumer credit reporting agency that acts as a  
28 reseller of consumer information shall honor a security freeze placed on a consumer's  
29 credit report and credit score by another consumer credit reporting agency.

30 **Sec. 45.48.200. Violations and penalties.** (a) A consumer who suffers  
31 damages as a result of a person's violation of AS 45.48.100 - 45.48.290 may bring an

1 action in court against the person and recover, in the case of a violation where the  
2 person acted

3 (1) negligently, actual economic damages, court costs allowed by the  
4 rules of court, and full reasonable attorney fees;

5 (2) knowingly,

6 (A) damages as described in (1) of this subsection;

7 (B) punitive damages that are not less than \$100 nor more than  
8 \$5,000 for each violation as the court determines to be appropriate; and

9 (C) other relief that the court determines to be appropriate.

10 (b) A consumer may bring an action in court against a person for a violation or  
11 threatened violation of AS 45.48.100 - 45.48.290 for injunctive relief, whether or  
12 not the consumer seeks another remedy under this section.

13 (c) Notwithstanding (a)(2) of this section, a person who knowingly violates  
14 AS 45.48.100 - 45.48.290 is liable in a class action for an amount that the court  
15 allows. When determining the amount of an award in a class action under this  
16 subsection, the court shall consider, among the relevant factors, the amount of any  
17 actual damages awarded, the frequency of the violations, the resources of the violator,  
18 and the number of consumers adversely affected.

19 (d) In this section, "knowingly" has the meaning given in AS 11.81.900.

20 **Sec. 45.48.210. Exemptions.** (a) The provisions of AS 45.48.100 - 45.48.290  
21 do not apply to the use of a credit report by

22 (1) a person, the person's subsidiary, affiliate, or agent, or the person's  
23 assignee with whom a consumer has or, before the assignment, had an account,  
24 contract, or debtor-creditor relationship if the purpose of the use is to review the  
25 consumer's account or to collect a financial obligation owing on the account, contract,  
26 or debt;

27 (2) a subsidiary, an affiliate, an agent, an assignee, or a prospective  
28 assignee of a person to whom access has been granted under AS 45.48.130 if the  
29 purpose of the use is to facilitate the extension of credit or another permissible use;

30 (3) a person acting under a court order, warrant, or subpoena;

31 (4) an agency of a state or municipality that administers a program for

1 establishing and enforcing child support obligations;

2 (5) the Department of Health and Social Services, its agents, or its  
3 assigns when investigating fraud;

4 (6) the Department of Revenue, its agents, or its assigns when  
5 investigating or collecting delinquent taxes or unpaid court orders or when  
6 implementing its other statutory responsibilities;

7 (7) a person if the purpose of the use is prescreening allowed under 15  
8 U.S.C. 1681b(c) (Fair Credit Reporting Act);

9 (8) a person administering a credit file monitoring subscription service  
10 to which the consumer has subscribed;

11 (9) a person providing a consumer with a copy of the consumer's credit  
12 report or credit score at the consumer's request; or

13 (10) a consumer credit reporting agency if the data base or file of the  
14 consumer credit reporting agency consists entirely of information concerning and used  
15 solely for one or more of the following purposes:

16 (A) criminal record information;

17 (B) personal loss history information;

18 (C) fraud prevention or detection;

19 (D) tenant screening; or

20 (E) employment screening.

21 (b) Except as provided by AS 45.48.190, the provisions of AS 45.48.100 -  
22 45.48.290 do not apply to a person when acting only as a reseller of consumer  
23 information.

24 **Sec. 45.48.290. Definitions.** In AS 45.48.100 - 45.48.290,

25 (1) "account review" means activities related to account maintenance,  
26 account monitoring, credit line increases, and account upgrades and enhancements;

27 (2) "consumer" means an individual who is the subject of a credit  
28 report or credit score;

29 (3) "consumer credit reporting agency" has the meaning given in  
30 AS 45.48.990, but does not include a person who issues reports

31 (A) on incidents of fraud or authorizations for the purpose of

1 approving or processing negotiable instruments, electronic funds transfers, or  
2 similar methods of payments; or

3 (B) regarding account closures because of fraud, substantial  
4 overdrafts, automated teller machine abuse, or similar negative information  
5 regarding a consumer to inquiring banks or other financial institutions for use  
6 only in reviewing consumer requests for deposit accounts at the inquiring  
7 banks or financial institutions;

8 (4) "reseller of consumer information" means a person who assembles  
9 and merges information contained in the data bases of consumer credit reporting  
10 agencies and does not maintain a permanent data base of consumer information from  
11 which new consumer credit reports are produced;

12 (5) "security freeze" means a prohibition against a consumer credit  
13 reporting agency from releasing all or a part of a consumer's credit report or credit  
14 score without the express authorization of the consumer;

15 (6) "third party" means a person who is not

16 (A) the consumer who is the subject of the consumer's credit  
17 report or credit score; or

18 (B) the consumer credit reporting agency that is holding the  
19 consumer's credit report or credit score.

20 **Article 3. Protection of Social Security Number.**

21 **Sec. 45.48.400. Use of social security number.** A person may not

22 (1) intentionally communicate or otherwise make available to the  
23 general public an individual's social security number;

24 (2) print an individual's social security number on a card required for  
25 the individual to access products or services provided by the person;

26 (3) require an individual to transmit the individual's social security  
27 number over the Internet unless the Internet connection is secure or the social security  
28 number is encrypted;

29 (4) require an individual to use the individual's social security number  
30 to access an Internet site unless a password, a unique personal identification number,  
31 or another authentication device is also required to access the site; or

1 (5) print an individual's social security number on material that is  
2 mailed to the individual unless

3 (A) local, state, or federal law, including a regulation adopted  
4 under AS 45.48.470, expressly authorizes placement of the social security  
5 number on the material; or

6 (B) the social security number is included on an application or  
7 other form, including a document sent as a part of an application process or an  
8 enrollment process, sent by mail to establish, amend, or terminate an account, a  
9 contract, or a policy, or to confirm the accuracy of the social security number;  
10 however, a social security number allowed to be mailed under this  
11 subparagraph may not be printed, in whole or in part, on a postcard or other  
12 mailer that does not require an envelope, or in a manner that makes the social  
13 security number visible on the envelope or without the envelope's being  
14 opened.

15 **Sec. 45.48.410. Request and collection.** (a) A person who does business in the  
16 state, including the business of government, may not request or collect an individual's  
17 social security number. This subsection does not prohibit a person from asking for  
18 another form of identification from the individual.

19 (b) The prohibition in (a) of this section does not apply

20 (1) if the person is expressly authorized by local, state, or federal law,  
21 including a regulation adopted under AS 45.48.470, to demand proof of the  
22 individual's social security number, to request or collect the individual's social security  
23 number, or to submit the individual's social security number to the local, state, or  
24 federal government;

25 (2) if the person is engaging in the business of government and

26 (A) is authorized by law to request or collect the individual's  
27 social security number; or

28 (B) the request or collection of the individual's social security  
29 number is required for the performance of the person's duties or  
30 responsibilities as provided by law;

31 (3) to a financial institution that is regulated by 15 U.S.C. 6801 - 6827

1 (Gramm-Leach-Bliley Financial Modernization Act) if the financial institution  
 2 requests or collects the individual's social security number to facilitate a transaction of  
 3 the individual;

4 (4) to a communication to or from a consumer reporting agency; in this  
 5 paragraph, "consumer reporting agency" has the meaning given in 15 U.S.C. 1681a  
 6 (Fair Credit Reporting Act);

7 (5) if the request or collection is for a background check on the  
 8 individual, law enforcement or other government purposes, or the individual's  
 9 employment, including employment benefits; or

10 (6) if the request or collection does not have independent economic  
 11 value, is incidental to a larger transaction, and is necessary to verify the identity of the  
 12 individual.

13 **Sec. 45.48.420. Sale, lease, loan, trade, or rental.** (a) A person may not sell,  
 14 lease, loan, trade, or rent an individual's social security number to a third party.

15 (b) The prohibition in (a) of this section does not apply if the sale, lease, loan,  
 16 trade, or rental is

17 (1) expressly authorized by local, state, or federal law, including a  
 18 regulation adopted under AS 45.48.470;

19 (2) part of a report prepared by a consumer credit reporting agency in  
 20 response to a request by a person and the person submits the social security number as  
 21 part of the request to the consumer credit reporting agency for the preparation of the  
 22 report.

23 (c) Nothing in this section prevents a business from transferring social security  
 24 numbers to another person if the transfer is part of the sale or other transfer of the  
 25 business to the other person.

26 (d) A person who knowingly violates (a) of this section is guilty of a class A  
 27 misdemeanor. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

28 **Sec. 45.48.430. Disclosure.** (a) A person doing business, including the  
 29 business of government, may not disclose an individual's social security number to a  
 30 third party.

31 (b) The prohibition in (a) of this section does not apply if

1 (1) the disclosure is expressly authorized by local, state, or federal law,  
2 including a regulation adopted under AS 45.48.470;

3 (2) the person is engaging in the business of government and

4 (A) is authorized by law to disclose the individual's social  
5 security number; or

6 (B) the disclosure of the individual's social security number is  
7 required for the performance of the person's duties or responsibilities as  
8 provided by law;

9 (3) the third party is a financial institution that is regulated by 15  
10 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act), and the  
11 disclosure is to facilitate a transaction of the individual;

12 (4) the disclosure is part of a report prepared by a consumer credit  
13 reporting agency in response to a request by a person and the person submits the social  
14 security number as part of the request to the consumer credit reporting agency for the  
15 preparation of the report; or

16 (5) the disclosure is for a background check on the individual, law  
17 enforcement or other government purposes, or the individual's employment, including  
18 employment benefits.

19 **Sec. 45.48.440. Interagency disclosure.** Notwithstanding the other provisions  
20 of AS 45.48.400 - 45.48.480, a state or local governmental agency may disclose an  
21 individual's social security number to another state or local governmental agency or to  
22 an agency of the federal government if the disclosure is required in order for the  
23 agency to carry out the agency's duties and responsibilities.

24 **Sec. 45.48.450. Exception for employees, agents, and independent**  
25 **contractors.** (a) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, a  
26 person may disclose an individual's social security number to an employee or agent of  
27 the person for a legitimate purpose established by and as directed by the person, but  
28 the employee or agent may not use the social security number for another purpose or  
29 make an unauthorized disclosure of the individual's personal information.

30 (b) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, and  
31 except as provided for an agent under (a) of this section, a person may disclose an

1 individual's social security number to an independent contractor of the person to  
2 facilitate the purpose or transaction for which the individual initially provided the  
3 social security number to the person, but the independent contractor may not use the  
4 social security number for another purpose or make an unauthorized disclosure of the  
5 individual's personal information.

6 **Sec. 45.48.460. Employment-related exception.** The provisions of  
7 AS 45.48.400 - 45.48.480 may not be construed to restrict a person's use or exchange  
8 of an individual's social security number

9 (1) in the course of the administration of a claim, benefit, or procedure  
10 related to the individual's employment by the person, including the individual's  
11 termination from employment, retirement from employment, and injury suffered  
12 during the course of employment; or

13 (2) to check on an unemployment insurance claim of the individual.

14 **Sec. 45.48.470. Agency regulations.** If regulations are necessary in order for a  
15 state agency to carry out the state agency's duties and responsibilities, a state agency  
16 may adopt regulations under AS 44.62 (Administrative Procedure Act) to establish  
17 when the state agency or a person regulated by the state agency may

18 (1) print an individual's social security number on material that is  
19 mailed to the individual;

20 (2) demand proof from an individual of the individual's social security  
21 number, collect from an individual the individual's social security number, or submit  
22 an individual's social security number to a local, state, or federal agency;

23 (3) ask an individual to provide the state agency with the individual's  
24 social security number;

25 (4) disclose an individual's social security number to a third party;

26 (5) sell, lease, loan, trade, or rent an individual's social security number  
27 to a third party.

28 **Sec. 45.48.480. Penalties.** (a) A person who knowingly violates AS 45.48.400  
29 - 45.48.430 is liable to the state for a civil penalty not to exceed \$3,000.

30 (b) An individual may bring a civil action in court against a person who  
31 knowingly violates AS 45.48.400 - 45.48.430 and may recover actual economic

1 damages, court costs allowed by the rules of court, and full reasonable attorney fees.

2 (c) In this section, "knowingly" has the meaning given in AS 11.81.900.

3 **Article 4. Disposal of Records.**

4 **Sec. 45.48.500. Disposal of records.** (a) When disposing of records that  
5 contain personal information, a business and a governmental agency shall take all  
6 reasonable measures necessary to protect against unauthorized access to or use of the  
7 records.

8 (b) Notwithstanding (a) of this section, if a business or governmental agency  
9 has otherwise complied with the provisions of AS 45.48.500 - 45.48.590 in the  
10 selection of a third party engaged in the business of record destruction, the business or  
11 governmental agency is not liable for the disposal of records under AS 45.48.500 -  
12 45.48.590 after the business or governmental agency has relinquished control of the  
13 records to the third party for the destruction of the records.

14 (c) A business or governmental agency is not liable for the disposal of records  
15 under AS 45.48.500 - 45.48.590 after the business or governmental agency has  
16 relinquished control of the records to the individual to whom the records pertain.

17 **Sec. 45.48.510. Measures to protect access.** The measures that may be taken  
18 to comply with AS 45.48.500 include

19 (1) implementing and monitoring compliance with policies and  
20 procedures that require the burning, pulverizing, or shredding of paper documents  
21 containing personal information so that the personal information cannot practicably be  
22 read or reconstructed;

23 (2) implementing and monitoring compliance with policies and  
24 procedures that require the destruction or erasure of electronic media and other  
25 nonpaper media containing personal information so that the personal information  
26 cannot practicably be read or reconstructed;

27 (3) after due diligence, entering into a written contract with a third  
28 party engaged in the business of record destruction to dispose of records containing  
29 personal information in a manner consistent with AS 45.48.500 - 45.48.590.

30 **Sec. 45.48.520. Due diligence.** In AS 45.48.510(3), due diligence ordinarily  
31 includes performing one or more of the following:

1 (1) reviewing an independent audit of the third party's operations and  
2 its compliance with AS 45.48.500 - 45.48.590;

3 (2) obtaining information about the third party from several references  
4 or other reliable sources and requiring that the third party be certified by a recognized  
5 trade association or similar organization with a reputation for high standards of quality  
6 review; or

7 (3) reviewing and evaluating the third party's information security  
8 policies and procedures, or taking other appropriate measures to determine the  
9 competency and integrity of the third party.

10 **Sec. 45.48.530. Policy and procedures.** A business or governmental agency  
11 shall adopt written policies and procedures that relate to the adequate destruction and  
12 proper disposal of records containing personal information and that are consistent with  
13 AS 45.48.500 - 45.48.590.

14 **Sec. 45.48.540. Exemptions.** (a) A business or a governmental agency is not  
15 required to comply with AS 45.48.500 - 45.48.530 if federal law requires that the  
16 business or governmental agency act in a way that does not comply with AS 45.48.500  
17 - 45.48.530.

18 (b) A business is not required to comply with AS 45.48.500 - 45.48.530 if

19 (1) the business is subject to and in compliance with 15 U.S.C. 6801 -  
20 6827 (Gramm-Leach-Bliley Financial Modernization Act); or

21 (2) the manner of the disposal of the records of the business is subject  
22 to 15 U.S.C. 1681w (Fair Credit Reporting Act) and the business is complying with 15  
23 U.S.C. 1861w.

24 **Sec. 45.48.550. Civil penalty.** (a) An individual, a business, or a governmental  
25 agency that knowingly violates AS 45.48.500 - 45.48.590 is liable to the state for a  
26 civil penalty not to exceed \$3,000.

27 (b) In this section, "knowingly" has the meaning given in AS 11.81.900.

28 **Sec. 45.48.560. Court action.** An individual who is damaged by a violation of  
29 AS 45.48.500 - 45.48.590 may bring a civil action in court to enjoin further violations  
30 and to recover for the violation actual economic damages, court costs allowed by the  
31 rules of court, and full reasonable attorney fees.

1                   **Sec. 45.48.590. Definitions.** In AS 45.48.500 - 45.48.590,

2                   (1) "business" means a person who conducts business in the state or a  
3 person who conducts business and maintains or otherwise possesses personal  
4 information on state residents; in this paragraph,

5                   (A) "conducts business" includes engaging in activities as a  
6 financial institution organized, chartered, or holding a license or authorization  
7 certificate under the laws of this state, another state, the United States, or  
8 another country;

9                   (B) "possesses" includes possession for the purpose of  
10 destruction;

11                   (2) "dispose" means

12                   (A) the discarding or abandonment of records containing  
13 personal information;

14                   (B) the sale, donation, discarding, or transfer of

15                   (i) any medium, including computer equipment or  
16 computer media, that contains records of personal information;

17                   (ii) nonpaper media, other than that identified under (i)  
18 of this subparagraph, on which records of personal information are  
19 stored; and

20                   (iii) equipment for nonpaper storage of information;

21                   (3) "governmental agency" means a state or local governmental  
22 agency, except for an agency of the judicial branch;

23                   (4) "personal information" means

24                   (A) an individual's passport number, driver's license number,  
25 state identification number, bank account number, credit card number, debit  
26 card number, other payment card number, financial account information, or  
27 information from a financial application; or

28                   (B) a combination of an individual's

29                   (i) name; and

30                   (ii) medical information, insurance policy number,  
31 employment information, or employment history;

1 (5) "records" means material on which information that is written,  
 2 drawn, spoken, visual, or electromagnetic is recorded or preserved, regardless of  
 3 physical form or characteristics, but does not include publicly available information  
 4 containing names, addresses, telephone numbers, or other information an individual  
 5 has voluntarily consented to have publicly disseminated or listed.

6 **Article 5. Factual Declaration of Innocence after Identity Theft; Right to File Police**  
 7 **Report Regarding Identity Theft.**

8 **Sec. 45.48.600. Factual declaration of innocence after identity theft.** (a) A  
 9 victim of identity theft may petition the superior court for a determination that the  
 10 victim is factually innocent of a crime if

11 (1) the perpetrator of the identity theft was arrested for, cited for, or  
 12 convicted of the crime using the victim's identity;

13 (2) a criminal complaint was filed against the perpetrator of the  
 14 identity theft; and

15 (3) the victim's identity was mistakenly associated with a record of a  
 16 conviction for a crime.

17 (b) In addition to a petition by a victim under (a) of this section, the  
 18 department may petition the superior court for a determination under (a) of this  
 19 section, or the superior court may, on its own motion, make a determination under (a)  
 20 of this section.

21 **Sec. 45.48.610. Basis for determination.** A determination of factual  
 22 innocence under AS 45.48.600 may be heard and made on declarations, affidavits,  
 23 police reports, or other material, relevant, and reliable information submitted by the  
 24 parties or ordered to be made a part of the record by the court.

25 **Sec. 45.48.620. Criteria for determination; court order.** (a) A court may  
 26 determine that a petitioner under AS 45.48.600 is factually innocent of a crime if the  
 27 court finds beyond a reasonable doubt that

28 (1) the petitioner is a victim of identity theft;

29 (2) the petitioner did not commit the offense for which the perpetrator  
 30 of the identity theft was arrested, cited, or convicted;

31 (3) the petitioner filed a criminal complaint against the perpetrator of

1 the identity theft; and

2 (4) the petitioner's identity was mistakenly associated with a record of  
3 conviction for the crime.

4 (b) If a court finds under this section that the victim is factually innocent of a  
5 crime, the court shall issue an order indicating this determination of factual innocence  
6 and shall provide the victim with a copy of the order.

7 **Sec. 45.48.630. Orders regarding records.** After a court issues an order under  
8 AS 45.48.620, the court may order the name and associated personal information of  
9 the victim of identity theft that is contained in the files, indexes, and other records of  
10 the court that are accessible by the public labeled to show that the name and personal  
11 information of the victim of identity theft is incorrect.

12 **Sec. 45.48.640. Vacation of determination.** A court that has issued an order  
13 under AS 45.48.620 may, at any time, vacate the order if the petition, or any  
14 information submitted in support of the petition, is found to contain a material  
15 misrepresentation, omission, or false information.

16 **Sec. 45.48.650. Court form.** The supreme court of the state may develop a  
17 form to be used for the order under AS 45.48.620.

18 **Sec. 45.48.660. Data base.** The department may establish and maintain a data  
19 base of individuals who have been victims of identity theft and who have received an  
20 order under AS 45.48.620. The department shall provide a victim or the victim's  
21 authorized representative access to a data base established under this section to  
22 establish that the individual has been a victim of identity theft. Access to the a data  
23 base established under this section is limited to criminal justice agencies, victims of  
24 identity theft, and individuals and agencies authorized by the victims.

25 **Sec. 45.48.670. Toll-free telephone number.** The department may establish  
26 and maintain a toll-free telephone number to provide access to information in a data  
27 base established under AS 45.48.660.

28 **Sec. 45.48.680. Right to file police report regarding identity theft.** (a) Even  
29 if the local law enforcement agency does not have jurisdiction over the theft of an  
30 individual's identity, if an individual who has learned or reasonably suspects the  
31 individual has been the victim of identity theft contacts, for the purpose of filing a

1 complaint, a local law enforcement agency that has jurisdiction over the individual's  
 2 actual place of residence, the local law enforcement agency shall make a report of the  
 3 matter and provide the individual with a copy of the report. The local law enforcement  
 4 agency may refer the matter to a law enforcement agency in a different jurisdiction.

5 (b) This section is not intended to interfere with the discretion of a local law  
 6 enforcement agency to allocate its resources to the investigation of crime. A local law  
 7 enforcement agency is not required to count a complaint filed under (a) of this section  
 8 as an open case for purposes that include compiling statistics on its open cases.

9 **Sec. 45.48.690. Definitions.** In AS 45.48.600 - 45.48.690,

- 10 (1) "crime" has the meaning given in AS 11.81.900;  
 11 (2) "department" means the Department of Law;  
 12 (3) "identity theft" means the theft of the identity of an individual;  
 13 (4) "perpetrator" means the person who perpetrated the theft of an  
 14 individual's identity;  
 15 (5) "victim" means an individual who is the victim of identity theft.

16 **Article 6. Truncation of Card Information.**

17 **Sec. 45.48.750. Truncation of card information.** (a) A person who accepts  
 18 credit cards or debit cards for the transaction of business may not print more than the  
 19 last four digits of the card number or the expiration date on any receipt or other  
 20 physical record of the transaction provided at the point of the sale or transaction.

21 (b) This section applies only to receipts that are electronically printed and does  
 22 not apply to transactions in which the sole means of recording a credit card or debit  
 23 card account number is by handwriting or by an imprint or copy of the card.

24 (c) A person may not sell a device that electronically prints more than the last  
 25 four digits of a credit card or debit card on a consumer receipt for a business  
 26 transaction or on a copy retained by a business person for a business transaction.

27 (d) An individual may bring a civil action in court against a person who  
 28 knowingly violates (a) of this section and may recover actual economic damages,  
 29 court costs allowed by the rules of court, and full reasonable attorney fees.

30 (e) A person who knowingly violates this section is liable to the state for a  
 31 civil penalty not to exceed \$3,000.

1 (f) In this section,

2 (1) "credit" means the right granted by a creditor to a debtor to defer  
3 payment of debt, to incur debts and defer payment of the debt, or to purchase property  
4 or services and defer payment of the purchase; in this paragraph, "creditor" means a  
5 person who regularly extends, renews, or continues credit, a person who regularly  
6 arranges for the extension, renewal, or continuation of credit, or an assignee of an  
7 original creditor who participates in the decision to extend, renew, or continue credit;

8 (2) "credit card" means a card, plate, coupon book, or other credit  
9 device existing for the purpose of obtaining money, property, labor, or services on  
10 credit;

11 (3) "debit card" means a card issued by a financial institution to a  
12 consumer for use in initiating an electronic fund transfer from the account of the  
13 consumer at the financial institution for the purpose of transferring money between  
14 accounts or obtaining money, property, labor, or services;

15 (4) "knowingly" has the meaning given in AS 11.81.900.

16 **Article 7. General Provisions.**

17 **Sec. 45.48.990. Definitions.** In this chapter, unless the context indicates  
18 otherwise,

19 (1) "consumer" means an individual;

20 (2) "consumer credit reporting agency" means a person who, for  
21 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or  
22 in part in the practice of assembling or evaluating consumer credit information or  
23 other information on consumers for the purpose of furnishing credit reports to third  
24 parties;

25 (3) "credit report" means a written, oral, or other communication of  
26 information by a consumer credit reporting agency bearing on a consumer's credit  
27 worthiness, credit standing, credit capacity, character, general reputation, personal  
28 characteristics, or mode of living if the communication is used or expected to be used  
29 or collected in whole or in part to serve as a factor in establishing the consumer's  
30 eligibility for

31 (A) credit or insurance to be used primarily for personal,

1 family, or household purposes;

2 (B) employment purposes; or

3 (C) any other permissible purpose authorized under section 15  
4 U.S.C. 1681b;

5 (4) "information system" means any information system, including a  
6 system consisting of digital data bases and a system consisting of pieces of paper;

7 (5) "person" has the meaning given in AS 01.10.060 and includes a  
8 state or local governmental agency, except for an agency of the judicial branch;

9 (6) "state resident" means an individual who satisfies the residency  
10 requirements under AS 01.10.055.

11 **Sec. 45.48.995. Short title.** This chapter may be cited as the Alaska Personal  
12 Information Protection Act.

13 \* **Sec. 4.** AS 45.50.471(b) is amended by adding a new paragraph to read:

14 (53) an information collector, other than a governmental agency,  
15 violating AS 45.48.010 - 45.48.090 (breach of security involving personal  
16 information); in this paragraph,

17 (A) "governmental agency" has the meaning given in  
18 AS 45.48.090;

19 (B) "information collector" has the meaning given in  
20 AS 45.48.090.

21 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 **INDIRECT COURT RULE AMENDMENTS.** (a) AS 45.48.640, enacted by sec. 3 of  
24 this Act, has the effect of changing Rule 60(b), Alaska Rules of Civil Procedure, by allowing  
25 a court to vacate an order on its own motion and at any time and by establishing a specific  
26 criterion for vacating the order under AS 45.48.640.

27 (b) AS 45.48.200(a), 45.48.480(b), 45.48.560, and 45.48.750(d), enacted by sec. 3 of  
28 this Act, have the effect of changing Rule 82, Alaska Rules of Civil Procedure, by changing  
29 the criteria for determining the amount of attorney fees to be awarded to a party in an action  
30 under AS 45.48.200(a), 45.48.480(b), 45.48.560, or 45.48.750(d).

31 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2           TRANSITION: REGULATIONS. A state agency may proceed to adopt regulations  
3 necessary to implement this Act. The regulations take effect under AS 44.62 (Administrative  
4 Procedure Act), but not before the effective date of the law implemented by the regulation.

5       \* **Sec. 7.** AS 45.48.470, enacted by sec. 3 of this Act, takes effect immediately under  
6 AS 01.10.070(c).

7       \* **Sec. 8.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

8       \* **Sec. 9.** Except as provided by secs. 7 and 8 of this Act, this Act takes effect January 1,  
9 2009.