

HB0117/193699/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 117

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Braveboy, Burns, Davis, Haddaway, Love, Jameson, J. King, Mathias, McHale, Minnick, Walkup, Holmes, Costa, Dwyer, Eckardt, Elliott, Elmore, George, and Sossi”.

AMENDMENT NO. 2

On page 1, strike beginning with “requiring” in line 11 down through “circumstances;” in line 13; and in line 16, after “consumer;” insert “requiring a consumer reporting agency to temporarily lift a security freeze within a certain number of minutes after receiving a request from a consumer after a certain date and under certain circumstances, with certain exceptions;”.

On pages 1 and 2, strike beginning with “authorizing” in line 20 on page 1 down through “penalties;” in line 1 on page 2.

On page 2, strike in their entirety lines 5 through 9, inclusive; and in line 12, strike “14-1202.1” and substitute “14-1212.1”.

On pages 2 and 3, strike in their entirety the lines beginning with line 18 on page 2 through line 9 on page 3, inclusive.

On page 3, after line 9, insert:

“14-1212.1.”

On page 10, in line 1, strike “§ 14-1202.1” and substitute “§ 14-1212.1”.

(Over)

AMENDMENT NO. 3

On page 4, in line 24, strike “OR”; and in line 26, after the second “CONSUMER” insert “; OR”

(10) TO THE EXTENT NOT PROHIBITED BY OTHER STATE LAW, A PERSON ONLY FOR THE PURPOSE OF SETTING OR ADJUSTING AN INSURANCE RATE, ADJUSTING AN INSURANCE CLAIM, OR UNDERWRITING AN INSURANCE RISK”.

On page 11, strike in its entirety line 29; and in line 30, strike “CREDIT RATING” and substitute “CONSUMER REPORTING”.

On page 12, in line 5, after “PRODUCED” insert “; OR”

(IV) A CONSUMER REPORTING AGENCY WITH RESPECT TO A DATABASE OR FILE THAT CONSISTS ENTIRELY OF CONSUMER INFORMATION CONCERNING, AND USED SOLELY FOR:

- 1. CRIMINAL RECORD INFORMATION;**
- 2. PERSONAL LOSS HISTORY INFORMATION;**
- 3. FRAUD PREVENTION OR DETECTION;**
- 4. EMPLOYMENT SCREENING; OR**
- 5. TENANT SCREENING”.**

AMENDMENT NO. 4

On page 5, in line 2, strike “TELEPHONE” and substitute “SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, TELEPHONE, BY PROVIDING CERTAIN PERSONAL INFORMATION THAT THE CONSUMER REPORTING AGENCY MAY REQUIRE TO VERIFY THE IDENTITY OF THE CONSUMER”.

On page 6, after line 3, insert:

“(5) (I) IF A CONSUMER REQUESTS PLACEMENT OF A SECURITY FREEZE BY TELEPHONE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE CONSUMER REPORTING AGENCY MAY REQUIRE THE CONSUMER TO CONFIRM THE REQUEST IN WRITING ON A FORM THAT THE CONSUMER REPORTING AGENCY PROVIDES TO THE CONSUMER WITH THE MATERIALS SENT IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) IF THE CONSUMER FAILS TO RETURN WRITTEN CONFIRMATION THAT THE CONSUMER REPORTING AGENCY REQUIRES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CONSUMER REPORTING AGENCY MAY REMOVE THE SECURITY FREEZE IN ACCORDANCE WITH SUBSECTION (G)(2) OF THIS SECTION.”.

On page 8, in line 7, after “IF” insert “:

1.”;

in line 8, strike “PLACEMENT” and substitute “PLACEMENT”; and in line 9, after “CONSUMER” insert “;OR

2. THE CONSUMER:

(Over)

A. MADE THE REQUEST TO PLACE THE SECURITY FREEZE BY TELEPHONE UNDER SUBSECTION (C)(1)(II) OF THIS SECTION; AND

B. FAILED TO CONFIRM THE REQUEST IN WRITING IF REQUIRED IN ACCORDANCE WITH SUBSECTION (C)(5) OF THIS SECTION".

AMENDMENT NO. 5

On page 5, in line 13, strike "WITHIN"; in line 14, after "(I)" insert "**BEFORE JULY 1, 2008, WITHIN**"; in lines 14 and 15, strike "WRITTEN OR TELEPHONE"; in line 15, after "REQUEST" insert "**UNDER PARAGRAPH (1) OF THIS SUBSECTION**"; in line 16, after "(II)" insert "**ON OR AFTER JULY 1, 2008, WITHIN**"; in lines 16 and 17, strike "AN ELECTRONIC MAIL" and substitute "**A**"; and strike beginning with "MADE" in line 17 down through "AGENCY" in line 18 and substitute "**UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

On page 6, in line 27, strike "CERTIFIED MAIL" and substitute "**MAIL IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY**"; and in line 28, after "TELEPHONE" insert "**IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY**".

On page 10, in line 15, after "RECEIVED" insert "**, OR WITHIN 3 BUSINESS DAYS STARTING JULY 1, 2008**".

On page 11, in line 3, after "RECEIVED" insert "**, OR WITHIN 15 MINUTES STARTING JANUARY 1, 2010, FOR CERTAIN REQUESTS**".

AMENDMENT NO. 6

On page 7, in line 17, strike “A” and substitute “(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OR (IV) OF THIS PARAGRAPH, A”; and after line 19, insert:

“(II) AFTER JANUARY 31, 2009, A CONSUMER REPORTING AGENCY SHALL COMPLY WITH A REQUEST MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 15 MINUTES AFTER THE CONSUMER’S REQUEST IS RECEIVED BY THE CONSUMER REPORTING AGENCY IF THE REQUEST IS:

1. MADE BY TELEPHONE, BY ELECTRONIC MAIL, OR BY SECURE CONNECTION ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY; AND

2. RECEIVED BY THE CONSUMER REPORTING AGENCY DURING NORMAL BUSINESS HOURS.

(III) A CONSUMER REPORTING AGENCY IS NOT REQUIRED TO TEMPORARILY LIFT A SECURITY FREEZE WITHIN 15 MINUTES UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IF:

1. THE CONSUMER FAILS TO COMPLY WITH PARAGRAPH (1)(III) OF THIS SUBSECTION; OR

2. THE CONSUMER REPORTING AGENCY’S ABILITY TO TEMPORARILY LIFT THE SECURITY FREEZE WITHIN 15 MINUTES IS PREVENTED BY:

A. AN ACT OF GOD, INCLUDING FIRE, EARTHQUAKE, HURRICANE, STORM, OR SIMILAR NATURAL DISASTER OR PHENOMENON;

(Over)

B. AN UNAUTHORIZED OR ILLEGAL ACT BY A THIRD PARTY, INCLUDING TERRORISM, SABOTAGE, RIOT, VANDALISM, LABOR STRIKE OR DISPUTE THAT DISRUPTS OPERATIONS, OR SIMILAR OCCURRENCE;

C. A DISRUPTION OF OPERATIONS CAUSED BY ELECTRICAL FAILURE, UNANTICIPATED DELAY IN EQUIPMENT OR REPLACEMENT PART DELIVERY, COMPUTER HARDWARE OR SOFTWARE FAILURE INHIBITING RESPONSE TIME, OR SIMILAR DISRUPTION;

D. A GOVERNMENTAL ACTION, INCLUDING EMERGENCY ORDER OR JUDICIAL OR LAW ENFORCEMENT ACTION;

E. A REGULARLY SCHEDULED MAINTENANCE OF, OR UPDATE TO, THE CONSUMER REPORTING AGENCY'S CONSUMER REPORTING SYSTEM THAT OCCURS OTHER THAN DURING NORMAL BUSINESS HOURS; OR

F. A COMMERCIALY REASONABLE MAINTENANCE OF, OR REPAIR TO, THE CONSUMER REPORTING AGENCY'S CONSUMER REPORTING SYSTEM THAT IS UNEXPECTED OR UNSCHEDULED.

(IV) A CONSUMER REPORTING AGENCY THAT IS UNABLE TO TEMPORARILY LIFT A SECURITY FREEZE UNDER SUBPARAGRAPH (III)2 OF THIS PARAGRAPH SHALL LIFT THE SECURITY FREEZE AS SOON AS IT IS AUTHORIZED OR OTHERWISE REASONABLY CAPABLE OF DOING SO.”;

and strike beginning with “TELEPHONE,” in line 21 down through “MAIL,” in line 22 and substitute “FACSIMILE”.

On page 9, in line 21, after “**ARTICLE**” insert “**OR AN IDENTITY THEFT PASSPORT UNDER § 8-305 OF THE CRIMINAL LAW ARTICLE**”; and in line 22, after “**REPORT**” insert “**OR PASSPORT**”.

On page 12, in line 11, after “**REPORT**” insert “**WITHOUT AUTHORIZATION**”; and in line 15, after the first “**OF**” insert “**, OR OTHER AVAILABLE CONTACT INFORMATION FOR,**”.

AMENDMENT NO. 8

On page 6, strike in their entirety lines 15 through 22, inclusive.

On page 11, strike beginning with “**YOU**” in line 13 down through “**LAWS.**” in line 15.

On pages 12 and 13, strike in their entirety the lines beginning with line 17 on page 12 through line 3 on page 13, inclusive.