

HB0117/257374/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 117
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Agencies” insert “– Consumer Reports”; in line 7, after “received” insert “in certain manners”; in line 8, after “report;” insert “establishing an exception for a certain consumer reporting agency to the requirement to place a security freeze on a consumer report;”; in line 10, strike “provide” and substitute “release a consumer’s consumer report or”; and in the same line, strike “in” and substitute “derived from”.

On page 2, in line 3, strike the first “a”; in the same line, strike “number of business days” and substitute “time periods”; in line 6, strike “, with certain exceptions” and substitute “; authorizing a consumer reporting agency to develop certain procedures on or before a certain date”; strike beginning with “prohibiting” in line 7 down through “exceptions” in line 8 and substitute “establishing certain maximum fees for certain services relating to a security freeze; prohibiting the charging of fees by a consumer reporting agency to a consumer who presents certain documentation to the consumer reporting agency”; and in line 10, after “times;” insert “providing that the exclusive remedy for a violation of a certain provision of this Act is to file a certain complaint with the Commissioner of Financial Regulation;”.

AMENDMENT NO. 2

On page 4, in line 1, after “(B)” insert “(1)”; in lines 3, 8, 12, 14, 17, 20, 23, 25, and 28, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(I)”, “(II)”, and “(III)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “1.”, “2.”, and “3.”, respectively.

On page 5, in lines 1, 3, 5, and 7, strike “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(VII)”, “(VIII)”, “(IX)”, and “(X)”, respectively; after line 10, insert:

(Over)

“(2) THIS SECTION DOES NOT APPLY TO:

(I) A CHECK SERVICES OR FRAUD PREVENTION SERVICES COMPANY THAT ISSUES:

- 1. REPORTS ON INCIDENTS OF FRAUD; OR**
- 2. AUTHORIZATIONS FOR THE PURPOSE OF APPROVING OR PROCESSING NEGOTIABLE INSTRUMENTS, ELECTRONIC FUNDS TRANSFERS, OR SIMILAR PAYMENT METHODS;**

(II) A DEPOSIT ACCOUNT INFORMATION SERVICE COMPANY THAT ISSUES REPORTS REGARDING ACCOUNT CLOSURES DUE TO FRAUD, SUBSTANTIAL OVERDRAFTS, AUTOMATED TELLER MACHINE ABUSE, OR SIMILAR NEGATIVE INFORMATION REGARDING A CONSUMER TO INQUIRING BANKS OR OTHER FINANCIAL INSTITUTIONS FOR USE ONLY IN REVIEWING A CONSUMER REQUEST FOR A DEPOSIT ACCOUNT AT THE INQUIRING BANK OR FINANCIAL INSTITUTION; OR

(III) A CONSUMER REPORTING AGENCY 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.”;

in line 14, strike “**SUBJECT**” and substitute “**BEGINNING JANUARY 1, 2010, SUBJECT**”; in the same line, strike “**(5)**” and substitute “**(6)**”; in line 25, strike “**IDENTIFICATION**” and substitute “**IDENTIFYING INFORMATION**”; and in line 27, strike “**A**” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A**”.

On page 6, in line 15, after “**REPORT**” insert “**TO A SPECIFIC PERSON OR**”; after line 19, insert:

“(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONSUMER REPORTING AGENCY IS NOT REQUIRED TO PLACE A SECURITY FREEZE ON A CONSUMER REPORT IF THE CONSUMER REPORTING AGENCY:

1. ACTS ONLY AS A RESELLER OF CREDIT INFORMATION BY ASSEMBLING AND MERGING INFORMATION CONTAINED IN A DATABASE OF ANOTHER CONSUMER REPORTING AGENCY OR MULTIPLE CONSUMER REPORTING AGENCIES; AND

2. DOES NOT MAINTAIN A PERMANENT DATABASE OF CREDIT INFORMATION FROM WHICH NEW CONSUMER REPORTS ARE PRODUCED.

(II) A CONSUMER REPORTING AGENCY THAT ACTS AS A RESELLER OF CREDIT INFORMATION SHALL HONOR A SECURITY FREEZE PLACED ON A CONSUMER REPORT BY ANOTHER CONSUMER REPORTING AGENCY.”;

in line 20, strike “(5)” and substitute “(6)”; in line 32, strike “**PROVIDE**” and substitute “**RELEASE A CONSUMER’S CONSUMER REPORT OR**”; and in the same line, strike “**IN**” and substitute “**DERIVED FROM**”.

AMENDMENT NO. 3

On page 7, in line 18, after “**TO**” insert “**TEMPORARILY LIFT A SECURITY FREEZE TO**”; and in line 19, after “**ACCESSED**” insert “**BY A SPECIFIC PERSON OR**”.

On page 8, in line 5, strike “**IDENTIFICATION**” and substitute “**IDENTIFYING INFORMATION**”; in line 9, after “**THE**” insert “**PERSON THAT IS TO RECEIVE THE CONSUMER REPORT OR THE**”; in line 12, strike “**OR (IV)**”; in line 14, strike “**5**” and substitute “**3**”; in line 16, after “**(II)**” insert “**1.**”; strike beginning with the colon in line 19 down through “**MADE**” in line 20 and substitute “**MADE**”; and in line 22, strike “**;** **AND**” and substitute a period.

On pages 8 and 9, strike in their entirety the lines beginning with line 23 on page 8 through line 20 on page 9, inclusive.

On page 9, in line 21, strike “**(IV)**” and substitute “**2.**”; in line 22, strike “**SUBPARAGRAPH (III)2**” and substitute “**SUBSUBPARAGRAPH 1**”; in line 23, strike “**PARAGRAPH**” and substitute “**SUBPARAGRAPH**”; and in lines 23 and 24, strike “**AUTHORIZED OR OTHERWISE**”.

On page 10, in line 20, strike “**(C)(5)**” and substitute “**(C)(6)**”; and strike in their entirety lines 29 and 30 and substitute:

“(2) IF A CONSUMER WANTS TO REMOVE A SECURITY FREEZE FROM THE CONSUMER’S CONSUMER REPORT, THE CONSUMER SHALL:

(I) CONTACT THE CONSUMER REPORTING AGENCY BY:

1. MAIL IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;

2. TELEPHONE IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;

3. ELECTRONIC MAIL USING AN ELECTRONIC POSTMARK IF A SECURE ELECTRONIC MAIL CONNECTION IS MADE AVAILABLE TO THE CONSUMER BY THE CONSUMER REPORTING AGENCY; OR

4. ELECTRONIC REQUEST IF A SECURE CONNECTION IS MADE AVAILABLE ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY;

(II) REQUEST THAT THE SECURITY FREEZE BE REMOVED;
AND

(III) PROVIDE THE FOLLOWING TO THE CONSUMER REPORTING AGENCY:”.

On page 11, in lines 1 and 2, strike “(I)” and “(II)”, respectively, and substitute “**1.**” and “**2.**”, respectively; in line 1, strike “IDENTIFICATION” and substitute “**IDENTIFYING INFORMATION**”; strike beginning with “PARAGRAPHS” in line 8 down through “(4)” in line 9 and substitute “**PARAGRAPH (2)**”; in line 13, after “\$5,” insert “**FOR EACH PLACEMENT, TEMPORARY LIFT, OR REMOVAL OF A SECURITY FREEZE.**”; strike beginning with “IF” in line 13 down through “FREEZE.” in line 27; and in line 28, strike “(4) A” and substitute “**(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, A**”.

AMENDMENT NO. 4

On page 12, in line 14, strike “AT NO CHARGE TO YOU”; in line 16, after “RELEASING” insert “YOUR CREDIT REPORT OR”; in the same line, strike “IN” and substitute “DERIVED FROM”; in line 22, strike “, BY TELEPHONE,”; and in line 31, after “REPORT” insert “TO A SPECIFIC PERSON OR”.

On page 13, in line 6, strike “IDENTIFICATION” and substitute “IDENTIFYING INFORMATION”; in line 8, after “THE” insert “PERSON WHO IS TO RECEIVE THE CREDIT REPORT OR THE”; in line 12, strike “5” and substitute “3”; in line 14, strike “1, 2010” and substitute “31, 2009”; in the same line, after “REQUESTS.” insert “A CONSUMER REPORTING AGENCY MUST COMPLY WITH A REQUEST TO REMOVE A SECURITY FREEZE ON A CREDIT REPORT WITHIN 3 BUSINESS DAYS AFTER THE REQUEST IS RECEIVED.”; in line 18, after “FREEZE” insert “, EITHER COMPLETELY IF YOU ARE SEEKING CREDIT FROM A NUMBER OF SOURCES, OR JUST FOR A SPECIFIC CREDITOR IF YOU ARE APPLYING ONLY TO THAT CREDITOR,”; and after line 18, insert:

“A CONSUMER REPORTING AGENCY MAY CHARGE A REASONABLE FEE NOT EXCEEDING \$5 FOR EACH PLACEMENT, TEMPORARY LIFT, OR REMOVAL OF A SECURITY FREEZE. HOWEVER, A CONSUMER REPORTING AGENCY MAY NOT CHARGE ANY FEE TO A CONSUMER WHO, AT THE TIME OF A REQUEST TO PLACE, TEMPORARILY LIFT, OR REMOVE A SECURITY FREEZE, PRESENTS TO THE CONSUMER REPORTING AGENCY A POLICE REPORT OF ALLEGED IDENTITY FRAUD AGAINST THE CONSUMER OR AN IDENTITY THEFT PASSPORT.”

On pages 13 and 14, strike in their entirety the lines beginning with line 27 on page 13 through line 28 on page 14, inclusive.

On page 15, in line 1, strike “(L)” and substitute “(K)”; in line 2, after “REPORT” insert “SUBJECT TO A SECURITY FREEZE”; in the same line, strike “IN”

and substitute "DERIVED FROM"; in line 3, after "REPORT" insert "SUBJECT TO A SECURITY FREEZE"; in line 4, after "AFTER" insert "DISCOVERING OR BEING NOTIFIED OF"; in line 5, after "CONSUMER" insert "IN WRITING"; in line 8, after the second "THE" insert "CONSUMER REPORT OR THE"; and after line 23, insert:

"(L) THE EXCLUSIVE REMEDY FOR A VIOLATION OF SUBSECTION (E)(2)(II) OF THIS SECTION SHALL BE A COMPLAINT FILED WITH THE COMMISSIONER UNDER § 14-1217 OF THIS SUBTITLE."