STATE OF NEW YORK

4115

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Banks

AN ACT to amend the financial services law, in relation to regulation of consumer reporting agencies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The financial services law is amended by adding a new article 10 to read as follows:

ARTICLE 10

REGULATION OF CONSUMER REPORTING AGENCIES

§ 1001. Definitions. For the purposes of this article, the term "consumer reporting agency" shall mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

§ 1002. Authority of superintendent. The superintendent is hereby authorized and empowered to make such general rules and regulations, and such specific rulings, demands, and findings as may be necessary for the proper conduct of the business authorized and licensed under and for the enforcement of this article, in addition hereto and not inconsistent herewith.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 1003. License requirements. (a) No person, partnership, association or corporation shall engage in the business of credit reporting without first obtaining a license from the superintendent.

(b) Application for such license shall be in writing, under oath, and in the form prescribed by the superintendent, and shall contain the name, and the address both of the residence and place of business, of the applicant, and if the applicant is a co-partnership or association, of every member thereof, and if a corporation, of each officer and director thereof. Further, if the business is to be conducted at a specific address, the address at which the business is to be conducted, and in addition, such additional information as the superintendent may require.

§ 1004. Superintendent authorized to examine. (a) For the purpose of discovering violations of this article or securing information lawfully required in this section, the superintendent may at any time, and as often as may be determined, either personally or by a person duly designated by the superintendent, investigate licensed consumer reporting agencies and examine the books, accounts, records, and files used therein of every licensee.

(b) For the purpose established in subdivision (a) of this section, the superintendent and such superintendent's duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes and vaults of all licensees. The superintendent shall have authority to require the attendance of and to examine under oath all persons whose testimony may be required relative to consumer reporting agencies.

§ 1005. Superintendent authorized to promulgate regulations. (a) The superintendent shall have the power to prescribe and from time to time withdraw or amend, in writing, rules and regulations and issue orders and guidance involving credit reporting agencies, not inconsistent with the provisions of this chapter, the banking law, the insurance law and any other law in which the superintendent is given authority, including:

(1) effectuating any power given to the superintendent under the provisions of this chapter, the insurance law, the banking law, or any other law to prescribe forms or make regulations;

(2) interpreting the provisions of this chapter, the insurance law, the banking law, or any other applicable law; and

(3) governing the procedures to be followed in the practice of the department.

(b) The superintendent may promulgate a list of financial products and services excluded from regulation by the superintendent, provided that such exclusion shall not limit in any way the ability of the superintendent to take any actions with respect to fraud provided for in this chapter, the insurance law, the banking law or any other applicable law.

§ 2. This act shall take effect immediately.