S T A T E O F N E W Y O R K

4596

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CYMBROWITZ, KOON -- Multi-Sponsored by -- M. of A. ROBINSON -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring certain identification for accessing consumer reports that have security freezes implemented on their account

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 1 of subdivision (d), subparagraph (i) of paragraph 1 of subdivision (k), and subdivisions (l) and (s) of section 380-t of the general business law, as amended by chapter 279 of the laws of 2008, are amended to read as follows:

(1) proper identification WHICH MAY INCLUDE, BUT NOT BE LIMITED TO COMPLETE FIRST AND LAST NAME, WITH MIDDLE INITIAL, GENERATIONAL DESIGNATION, IF ANY; BIRTH DATE, MOTHER'S MAIDEN NAME, PLACE OF EMPLOYMENT AND RESIDENCE ADDRESS. SUCH ITEMS OF INFORMATION SHALL NOT INCLUDE FAMILY INCOME, ELECTRONIC MAIL ADDRESS, HOME OR BUSINESS TELEPHONE NUMBER, CREDIT CARD NUMBER, AUTOMATED TELLER MACHINE PERSONAL IDENTIFICATION NUMBER, OR TELEPHONE CALLING CARD NUMBER;

(i) proper identification WHICH SHALL INCLUDE AT LEAST FOUR DISTINCT ITEMS OF INFORMATION REGARDING A CONSUMER THAT CORRECTLY MATCHES INFORMATION WITHIN THE FILE OR A CONSUMER REPORT MAINTAINED BY THE CONSUMER REPORTING AGENCY ON A CONSUMER. THE ITEMS OF INFORMATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, COMPLETE FIRST AND LAST NAME, WITH MIDDLE INITIAL, GENERATIONAL DESIGNATION, IF ANY; BIRTH DATE, MOTHER'S MAIDEN NAME, PLACE OF EMPLOYMENT AND RESIDENCE ADDRESS. SUCH ITEMS OF INFORMATION SHALL NOT INCLUDE FAMILY INCOME, ELECTRONIC MAIL ADDRESS, HOME OR BUSINESS TELEPHONE NUMBER, CREDIT CARD NUMBER, AUTOMATED TELLER MACHINE PERSONAL IDENTIFICATION NUMBER, OR TELEPHONE CALLING CARD NUMBER;

(l) A consumer credit reporting agency shall require proper identification, AS DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH ONE OF SUBDIVISION

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

LBD07581-01-9

(K) OF THIS SECTION, of the person making a request to place or remove a security freeze.

(s) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A CONSUMER REPORTING AGENCY MAY FURNISH TO A GOVERNMENTAL AGENCY A CONSUMER'S NAME, ADDRESS, FORMER ADDRESS, PLACES OF EMPLOYMENT, OR FORMER PLACES OF EMPLOYMENT.

(T) Whenever there shall be a violation of this section, application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than five thousand dollars for each violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.