

868

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to credit record freezes

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

1 Section 1. Subdivision (r) of section 380-a of the general business
2 law, as added by chapter 441 of the laws of 2014, is amended to read as
3 follows:
4 (r) The term "security freeze for a protected [person] CONSUMER" means
5 (1) if a consumer credit reporting agency does not have a file pertain-
6 ing to a protected consumer, a restriction that: (i) is placed on the
7 protected consumer's record in accordance with [this] section THREE
8 HUNDRED EIGHTY-U OF THIS ARTICLE; and (ii) prohibits the consumer credit
9 reporting agency from releasing the protected consumer's record except
10 as provided in this section; or
11 (2) if a consumer credit reporting agency has a file pertaining to the
12 protected consumer, a restriction that (i) is placed on the protected
13 consumer's consumer credit report in accordance with this section; and
14 (ii) prohibits the consumer credit reporting agency from releasing the
15 protected consumer's consumer credit report or any information derived
16 from the protected consumer's consumer credit report except as provided
17 in this section.
18 S 2. Subdivisions (d), (e) and (f) of section 380-u of the general
19 business law, as added by chapter 441 of the laws of 2014, are amended
20 to read as follows:
21 (d) Unless a security freeze for a protected [person] CONSUMER is
22 removed in accordance with this section, a consumer credit reporting
23 agency may not release the protected consumer's consumer credit report,
24 any information derived from the protected consumer's consumer report,
25 or any record created for the protected consumer.

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

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1 (e) A security freeze for a protected consumer placed under this
2 section shall remain in effect until:

3 (1) The protected consumer or the protected consumer's representative
4 requests the consumer credit reporting agency to remove the security
5 freeze for a protected [person] CONSUMER in accordance with subdivision
6 (f) of this section; or

7 (2) The security freeze is removed in accordance with subdivision (i)
8 of this section.

9 (f) If a protected consumer or a protected consumer's representative
10 wishes to remove a security freeze for the protected consumer, the
11 protected consumer or the protected consumer's representative shall:

12 (1) Submit a request for the removal of the security freeze to the
13 consumer credit reporting agency at the address or other point of
14 contact and in the manner specified by the consumer credit reporting
15 agency;

16 (2) Provide to the consumer credit reporting agency: (i) in the case
17 of a request by the protected consumer: (A) proof that the sufficient
18 proof of authority for the protected consumer's representative to act on
19 behalf of the protected consumer is no longer valid or that the
20 protected consumer has attained the age of sixteen; and (B) sufficient
21 proof of identification of the protected consumer; or (ii) in the case
22 of a request by the representative of a protected consumer: (A) suffi-
23 cient proof of identification of the protected consumer and the repre-
24 sentative; and (B) sufficient proof of authority to act on behalf of the
25 protected consumer; and (C) [pay] PAYMENT to the consumer credit report-
26 ing agency OF a fee, if any, as provided in subdivision (h) of this
27 section.

28 S 3. This act shall take effect immediately and shall be deemed to
29 have been in full force and effect on and after January 1, 2015.