

S T A T E   O F   N E W   Y O R K

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9145--A

I N   A S S E M B L Y

January 29, 2016

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Introduced by M. of A. CRESPO, SEPULVEDA, RODRIGUEZ, RAMOS, PICHARDO, McDONOUGH -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the banking law, in relation to prohibiting a consumer reporting agency or lender from using an individual's internet viewing history to determine such individual's credit worthiness

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

1     Section 1. Section 380-j of the general business law is amended by  
2     adding a new subdivision (h) to read as follows:  
3     (H) NO CONSUMER REPORTING AGENCY SHALL COLLECT, EVALUATE, REPORT, OR  
4     MAINTAIN IN THE FILE ON A CONSUMER THE CONSUMER'S USE OF INTERNET OR  
5     INTERNET VIEWING HISTORY AS A FACTOR TO DETERMINE THE CONSUMER'S CREDIT  
6     WORTHINESS, CREDIT STANDING OR CREDIT CAPACITY.  
7     S 2. Section 352 of the banking law is amended by adding a new sixth  
8     undesignated paragraph to read as follows:  
9     NO LICENSEE SHALL COLLECT, EVALUATE, REPORT OR MAINTAIN IN THE FILE ON  
10    A BORROWER THE BORROWER'S USE OF INTERNET OR INTERNET VIEWING HISTORY AS  
11    A FACTOR TO DETERMINE THE BORROWER'S CREDIT WORTHINESS, CREDIT STANDING  
12    OR CREDIT CAPACITY. THE PROVISIONS OF THIS PARAGRAPH SHALL BE ENFORCED  
13    CONCURRENTLY BY THE SUPERINTENDENT AND THE DIRECTOR OF THE DIVISION OF  
14    CONSUMER PROTECTION AND EACH SHALL UTILIZE THEIR CONSUMER COMPLAINT AND  
15    ASSISTANCE HOTLINES TO DOCUMENT COMPLAINTS BY BORROWERS WHO BELIEVE THAT  
16    THEIR INTERNET VIEWING HISTORY IS BEING USED TO DENY THEM CREDIT. THE  
17    SUPERINTENDENT SHALL ENSURE THAT THE CREDIT SCORING FORMULAS FILED WITH  
18    THE DEPARTMENT DO NOT CONTAIN VARIABLES WHICH ACCOUNT FOR INTERNET VIEW-  
19    ING HISTORY AS PART OF THAT FORMULA BY ASKING THE LICENSEE TO CERTIFY TO  
20    THAT FACT.  
21    S 3. This act shall take effect immediately.

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

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