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

1516

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

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

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:

Section 1. Subdivision (r) of section 380-a of the general business law, as added by chapter 441 of the laws of 2014, is amended to read as follows:

(r) The term "security freeze for a protected [person] CONSUMER" means (1) if a consumer credit reporting agency does not have a file pertaining to a protected consumer, a restriction that: (i) is placed on the protected consumer's record in accordance with [this] section THREE HUNDRED EIGHTY-U OF THIS ARTICLE; and (ii) prohibits the consumer credit reporting agency from releasing the protected consumer's record except as provided in this section; or

(2) if a consumer credit reporting agency has a file pertaining to the protected consumer, a restriction that (i) is placed on the protected consumer's consumer credit report in accordance with this section; and (ii) prohibits the consumer credit reporting agency from releasing the protected consumer's consumer credit report or any information derived from the protected consumer's consumer credit report except as provided in this section.

S 2. Subdivisions (d), (e) and (f) of section 380-u of the general business law, as added by chapter 441 of the laws of 2014, are amended to read as follows:

(d) Unless a security freeze for a protected [person] CONSUMER is removed in accordance with this section, a consumer credit reporting agency may not release the protected consumer's consumer credit report, any information derived from the protected consumer's consumer report, 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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(e) A security freeze for a protected consumer placed under this section shall remain in effect until:

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

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

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

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

(2) Provide to the consumer credit reporting agency: (i) in the case of a request by the protected consumer: (A) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid or that the protected consumer has attained the age of sixteen; and (B) sufficient proof of identification of the protected consumer; or (ii) in the case of a request by the representative of a protected consumer: (A) sufficient proof of identification of the protected consumer and the representative; and (B) sufficient proof of authority to act on behalf of the protected consumer; and (C) [pay] PAYMENT to the consumer credit reporting agency OF a fee, if any, as provided in subdivision (h) of this section.

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