

6820--A

I N S E N A T E

February 25, 2016

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