STATE OF NEW YORK

8118--B

IN SENATE

March 23, 2020

Introduced by Sens. THOMAS, BAILEY, BIAGGI, GAUGHRAN, GOUNARDES, HOYLMAN, KRUEGER, METZGER, RIVERA, SEPULVEDA -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting a consumer reporting agency from reporting certain adverse information during the state of emergency caused by the novel coronavirus pandemic; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 380-j of the general business law is amended by adding a new subdivision (i) to read as follows:

(i) (1) No consumer reporting agency shall report any new adverse information that is a result of the novel coronavirus pandemic (COVID-19) in a consumer report pertaining to an affected person who notifies the agency pursuant to paragraph three of this subdivision.

(2) For the purposes of this subdivision, the following terms shall have the following meanings:

(i) "affected person" shall mean a resident of New York who has suffered financial hardship as a result of the novel coronavirus pandemic (COVID-19);

(ii) "the novel coronavirus pandemic (COVID-19)" shall refer to the period of the state of emergency declared by executive order two hundred two on March seventh, two thousand twenty and for purposes of this subdivision shall include a period of ninety days following the conclusion of such state of emergency;

(iii) "adverse information that is a result of the novel coronavirus pandemic (COVID-19)" shall mean any adverse information regarding an affected person's late payments, default, or non-payment of consumer debt or other financial obligations, or a creditor's exercise of reme-

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

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dies arising from such late payments, default, or non-payment where the event occurs during the novel coronavirus pandemic (COVID-19).

(3) An affected person may contact any consumer reporting agency and request that the agency disregard any adverse information that is a result of the novel coronavirus pandemic (COVID-19). The affected person shall include in the request proof of financial hardship resulting from the coronavirus pandemic.

(4) Any consumer reporting agency that receives a request shall respond to the affected person and the superintendent of the department of financial services within five days of receiving the request.

(5) No charge shall be imposed by a consumer reporting agency pursuant to section three hundred eighty-d of this article with respect to the request made by a consumer pursuant to this subdivision.

(6) The provisions of this subdivision shall be enforced concurrently by the superintendent of financial services and the director of the division of consumer protection.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 7, 2020; provided that the provisions of this act shall expire and be deemed repealed ninety days after the expiration of the declared state of emergency relating to the novel coronavirus (COVID-19); and provided, further, that the superintendent of financial services shall notify the legislative bill drafting commission upon the occurrence of the expiration of the state disaster emergency declared by executive order number 202 and any further amendments or modifications, and as may be further extended pursuant to section 28 of the executive law, in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.