

# STATE OF NEW YORK

8118--A

## 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

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:

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

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

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

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

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

17 (3) An affected person may contact any consumer reporting agency and  
18 request that the agency disregard any adverse information related to the  
19 person obtained by the agency during the novel coronavirus pandemic  
20 (COVID-19). The affected person shall include in the request proof of  
21 financial hardship resulting from the coronavirus pandemic.

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

LBD15847-03-0

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

4 (5) Where a consumer has provided sufficient proof of financial hard-  
5 ship, a consumer reporting agency that maintains a file on the consumer  
6 shall include an alert in that file indicating that the consumer has  
7 been impacted by the coronavirus pandemic and shall provide that alert  
8 along with or accompanying any consumer report or credit score provided  
9 by the agency, beginning on the date of the request, unless the consumer  
10 requests that such alert be removed.

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

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

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