

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.

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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.