

House Amendments to Senate Bill No. 2800

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

1 **AMEND** after line 113 by inserting the following new section
2 and renumbering succeeding sections:

3 "SECTION 2. (1) As used in this section, the term "security
4 freeze" means a notice that is placed in the file of a consumer at
5 the request of the consumer under subsection (2).

6 (2) (a) A consumer may place a security freeze in his file
7 with a credit reporting agency by making a request in writing by
8 certified mail to the reporting agency. At the time of the
9 request, the consumer must provide to the reporting agency
10 sufficient identification to establish the identity of the
11 consumer.

12 (b) A reporting agency shall place a security freeze
13 in the file of a consumer not later than five (5) business days
14 after the reporting agency receives a request from the consumer to
15 place the security freeze in his file.

16 (c) Not later than ten (10) business days after the
17 placement of the security freeze in the file of the consumer, the
18 reporting agency shall send written confirmation to the consumer
19 of the placement of the security freeze in his file and provide
20 the consumer with:

21 (i) A unique personal identification number or
22 password, which is not the social security number of the consumer,
23 to be used by the consumer to authorize the temporary release of
24 the consumer report pursuant to subsection (7) or the removal of a
25 security freeze from the file pursuant to subsection (8);

26 (ii) Information explaining the procedures by
27 which a consumer may contact the reporting agency to authorize the
28 temporary release of his consumer report pursuant to subsection

29 (7) or the removal of a security freeze from his file pursuant to
30 subsection (8); and

31 (iii) The written disclosure required pursuant to
32 subsection (3).

33 (d) A consumer may request in writing a replacement
34 personal identification number or password. At the time of the
35 request, the consumer must provide to the reporting agency
36 sufficient identification to establish the identity of the
37 consumer. Not later than ten (10) business days after receiving
38 the request, the reporting agency shall provide the consumer with
39 a new, unique personal identification number or password, which is
40 not the social security number of the consumer, to be used by the
41 consumer instead of the number or password that was provided
42 pursuant to paragraph (c)(i).

43 (e) Except as otherwise provided in subsections (7),
44 (8) and (9), a reporting agency shall not remove a security freeze
45 placed in the file of a consumer.

46 (f) The presence of a security freeze in the file of a
47 consumer must not be considered to be an adverse factor in the
48 consumer's credit worthiness, credit standing or credit capacity.

49 (3) If a consumer requests that a security freeze be placed
50 in his file, a reporting agency shall provide a written disclosure
51 of the rights of the consumer. The written disclosure is
52 sufficient if it is in substantially the following form:

53 "You have a right to place a security freeze in your file
54 which will prohibit a reporting agency from releasing any
55 information in your file without your express authorization.
56 A security freeze must be requested in writing by certified mail.
57 The security freeze is designed to prevent a reporting agency from
58 releasing your consumer report without your consent. However, you
59 should be aware that using a security freeze to take control over
60 who is allowed access to the personal and financial information in
61 your file may delay, interfere with or prohibit the timely
62 approval of any subsequent request or application you make
63 regarding a new loan, credit, mortgage, insurance, government

64 services or payments, rental housing, employment, investment,
65 license, cellular telephone, utilities, digital signature,
66 Internet credit card transaction or other services, including an
67 extension of credit at point of sale. When you place a security
68 freeze in your file, you will be provided a personal
69 identification number or password to use if you choose to remove
70 the security freeze from your file or to authorize the temporary
71 release of your consumer report for a specific person or period
72 after the security freeze is in place. To provide that
73 authorization, you must contact the reporting agency and provide
74 all the following:

75 (a) Sufficient identification to verify your identity.

76 (b) Your personal identification number or password
77 provided by the reporting agency.

78 (c) A statement that you choose to remove the security
79 freeze from your file or that you authorize the reporting agency
80 to temporarily release your consumer report. If you authorize the
81 temporary release of your consumer report, you must name the
82 person who is to receive your consumer report or the period for
83 which your consumer report must be available. A reporting agency
84 must remove the security freeze from your file or authorize the
85 temporary release of your consumer report not later than three (3)
86 business days after receiving the above information.

87 A security freeze does not apply to certain persons,
88 including a person, or collection agencies acting on behalf of a
89 person, with whom you have an existing account that requests
90 information in your consumer report for the purposes of reviewing
91 or collecting the account."

92 (4) (a) Except as otherwise provided in this subsection:

93 (i) A reporting agency may charge a consumer a
94 reasonable fee, not to exceed Ten Dollars (\$10.00), to place a
95 security freeze in his file.

96 (ii) After a security freeze has been placed in the
97 file of a consumer, a reporting agency may charge the consumer a
98 reasonable fee:

99 1. Not to exceed Ten Dollars (\$10.00), to remove
100 the security freeze from his file pursuant to subsection (8).

101 2. Not to exceed Ten Dollars (\$10.00), to
102 temporarily release his consumer report for a specific period
103 pursuant to subsection (7).

104 3. Not to exceed Ten Dollars (\$10.00), to
105 temporarily release his consumer report to a specific person
106 pursuant to subsection (7).

107 (b) A reporting agency may not charge a consumer the
108 fees set forth in paragraph (a) to place a security freeze in his
109 file, to temporarily release his consumer report for a specific
110 period or to a specific person, or to remove a security freeze
111 from his file if the consumer is a victim of identity theft and
112 the consumer submits, at the time the security freeze is
113 requested, a valid copy of a police report, investigative report
114 or complaint which the consumer has filed with a law enforcement
115 agency regarding the unlawful use of the personal information of
116 the consumer by another person.

117 (c) On January 1 of each year, a reporting agency may
118 increase the fees set forth in paragraph (a) based proportionally
119 on changes to the Consumer Price Index of All Urban Consumers, as
120 determined by the United States Department of Labor, with
121 fractional changes rounded to the nearest Twenty-five Cents (25¢).

122 (5) (a) After a security freeze has been placed in the file
123 of a consumer, a reporting agency shall not make any changes to
124 the file of the consumer relating to:

125 (i) The name of the consumer;

126 (ii) The date of birth of the consumer;

127 (iii) The social security number of the consumer;

128 or

129 (iv) The address of the consumer, unless the
130 reporting agency sends written confirmation of the change to the
131 consumer not later than thirty (30) calendar days after the change
132 is posted to the file of the consumer.

133 (b) If the reporting agency changes the address of the
134 consumer, the reporting agency must send written confirmation of
135 the change of address to both the new address and the former
136 address of the consumer.

137 (c) The provisions of this subsection do not require a
138 reporting agency to send written confirmation to a consumer
139 concerning technical corrections made by the reporting agency to
140 information in the file of the consumer, including, without
141 limitation, technical corrections involving the abbreviation of a
142 name or street, the transposition of numbers or letters, or the
143 misspelling of a word.

144 (6) (a) Except as otherwise provided in subsections (7)
145 through (10), if a security freeze has been placed in the file of
146 a consumer, a reporting agency shall not provide a consumer report
147 of that consumer to any person.

148 (b) If, in connection with an application for credit or
149 any other use, a third party requests access to a consumer report
150 on which a security freeze is in effect and the consumer does not
151 allow his consumer report to be accessed for that specific third
152 party or period of time, the third party may treat the application
153 as incomplete.

154 (7) (a) To authorize the temporary release of a consumer
155 report after a security freeze has been placed in the file of the
156 consumer, the consumer must contact the reporting agency and
157 request that his consumer report be temporarily released to a
158 specific person or for a specific period. At the time of the
159 request, the consumer must provide to the reporting agency:

160 (i) Sufficient identification to establish the
161 identity of the consumer;

162 (ii) The personal identification number or
163 password provided by the reporting agency pursuant to subsection
164 (2)(c)(i); and

165 (iii) Information regarding the specific person or
166 the specific period for which the consumer report must be
167 temporarily released.

168 (b) A reporting agency that receives a request from a
169 consumer pursuant to paragraph (a) shall, not later than three (3)
170 business days after receiving the request, temporarily release the
171 consumer report to the specific person or for the specific period
172 requested by the consumer.

173 (c) A reporting agency shall develop procedures for a
174 consumer to contact the reporting agency to authorize the
175 temporary release of his consumer report pursuant to paragraph
176 (a). These procedures may include, without limitation, the use of
177 the telephone, facsimile machine, the Internet or other electronic
178 media by a consumer to authorize the temporary release of his
179 consumer report in an expedited manner.

180 (8) (a) To authorize the removal of a security freeze that
181 has been placed in the file of a consumer, the consumer must
182 contact the reporting agency and request that the security freeze
183 be removed. At the time of the request, the consumer must provide
184 to the reporting agency:

185 (i) Sufficient identification to establish the
186 identity of the consumer; and

187 (ii) The personal identification number or
188 password provided by the reporting agency pursuant to subsection
189 (2)(c)(i).

190 (b) A reporting agency that receives a request from a
191 consumer pursuant to paragraph (a) shall, not later than three (3)
192 business days after receiving the request:

193 (i) Remove the security freeze from the file of
194 the consumer; and

195 (ii) Send written notice to the consumer that the
196 security freeze has been removed from the file of the consumer.

197 (c) A reporting agency shall develop procedures for a
198 consumer to contact the reporting agency to authorize the removal
199 of a security freeze pursuant to paragraph (a). These procedures
200 may include, without limitation, the use of a telephone, a
201 facsimile machine, the Internet or other electronic media by a

202 consumer to authorize the removal of a security freeze in an
203 expedited manner.

204 (9) (a) A reporting agency may remove a security freeze
205 from the file of a consumer if the reporting agency has a
206 reasonable belief that:

207 (i) The security freeze was placed in the file of
208 the consumer because of a material misrepresentation of fact by
209 the consumer; or

210 (ii) The consumer placed the security freeze in
211 his file for the purposes of:

212 1. Committing fraud;

213 2. Committing any other act prohibited by
214 law; or

215 3. Aiding and abetting any act prohibited by
216 law.

217 (b) If a reporting agency intends to remove a security
218 freeze from the file of a consumer pursuant to paragraph (a), the
219 reporting agency shall send written notice to the consumer before
220 removing the security freeze.

221 (10) Notwithstanding that a security freeze has been placed
222 in the file of a consumer, a reporting agency may release the
223 consumer report of the consumer to:

224 (a) A person with whom the consumer has an existing
225 business relationship, or the subsidiary, affiliate or agent of
226 that person, for any purpose relating to that business
227 relationship.

228 (b) A licensed collection agency to which an account of
229 the consumer has been assigned for the purposes of collection.

230 (c) A person with whom the consumer has an account or
231 contract or to whom the consumer has issued a negotiable
232 instrument, or the subsidiary, affiliate, agent, assignee or
233 prospective assignee of that person, for purposes relating to that
234 account, contract or negotiable instrument.

235 (d) A person seeking to use information in the file of
236 the consumer for the purposes of prescreening pursuant to the Fair
237 Credit Reporting Act, 15 USCS Sections 1681 et seq.

238 (e) A subsidiary, affiliate, agent, assignee or
239 prospective assignee of a person to whom access has been granted
240 pursuant to subsection (7) for the purposes of facilitating the
241 extension of credit.

242 (f) A person seeking to provide the consumer with a
243 copy of the consumer report or the credit score of the consumer
244 upon the request of the consumer.

245 (g) A person administering a credit file monitoring
246 subscription service to which the consumer has subscribed.

247 (h) A person requesting the consumer report pursuant to
248 a court order, warrant or subpoena.

249 (i) A federal, state or local governmental entity,
250 agency or instrumentality that is acting within the scope of its
251 authority, including, without limitation, an agency which is
252 seeking to collect child support payments pursuant to Part D of
253 Title IV of the Social Security Act, 42 USCS Section 651 et seq.

254 (j) A person holding a license issued by the
255 Mississippi Gaming Commission, or the subsidiary, affiliate,
256 agent, assignee or prospective assignee of that person, for
257 purposes relating to any activities conducted pursuant to the
258 license.

259 (k) An employer, or the subsidiary, affiliate, agent,
260 assignee or prospective assignee of that employer, for purposes
261 of:

262 (i) Preemployment screenings relating to the
263 consumer; or

264 (ii) Decisions or investigations relating to the
265 consumer's current or former employment with the employer.

266 (11) The following companies are not required to place a
267 security freeze in the file of a consumer:

268 (a) A check services or fraud prevention services
269 company which issues reports on incidents of fraud or

270 authorizations for the purpose of approving or processing
271 negotiable instruments, electronic funds transfers or similar
272 methods of payments.

273 (b) A deposit account information service company which
274 issues reports regarding account closures because of fraud,
275 substantial overdrafts, abuse of automatic teller machines or
276 similar negative information regarding a consumer to inquiring
277 banks or other financial institutions for use only in reviewing a
278 consumer request for a deposit account at the inquiring bank or
279 financial institution.

280 (c) A reporting agency which acts only as a reseller of
281 credit information by assembling and merging information contained
282 in the database of another reporting agency or in the databases of
283 multiple reporting agencies and which does not maintain a
284 permanent database of consumer credit information from which new
285 consumer reports are produced. Such a reporting agency shall
286 honor any security freeze placed on a consumer report by another
287 reporting agency."

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AMENDMENT NO. 2

1 **AMEND** on line 18 by inserting the following after the word
2 "awnings": ", carpets"

3 **AMEND further** on lines 21 and 22 by inserting the following:
4 "the sale, installation, cleaning or repair of carpets;"

HR03\SB2800A.3J

Don Richardson
Clerk of the House of Representatives