

**FORTY-EIGHTH LEGISLATURE  
FIRST SESSION, 2007**

March 8, 2007

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE**, to whom has been referred

**SENATE JUDICIARY COMMITTEE SUBSTITUTE  
FOR SENATE BILLS 165 AND 448, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Senate Floor Amendments 1, 2 and 3.
2. On page 3, line 4, before "by" insert "or" and after "by" insert "means of a", strike ", facsimile", strike "through" and after "method", insert "if such means are".
3. On page 3, lines 12 and 13, strike "On the same day that a consumer reporting agency places" and insert in lieu thereof "Within five business days of placing" and on line 13, strike "it" and insert in lieu thereof "a consumer reporting agency".
4. On page 4, line 2, strike the comma and insert in lieu thereof "or".
5. On page 4, line 3, strike "or facsimile or" and insert in lieu thereof ", and as of September 1, 2008, by contacting the consumer reporting agency by mail, by telephone or" and after "method", insert a comma.
6. On page 4, line 7, strike "and".
7. On page 4, line 10, before the period, insert "; and
  - (4) payment of a fee, if applicable".
8. On page 4, line 13, strike "no" and strike lines 14 through 17 in their entirety and insert in lieu thereof:

"within three business days after the business day on which the consumer's request by regular or certified mail or by telephone is received by the consumer reporting agency. As of September 1, 2008, a consumer reporting agency that receives a request pursuant to Subsection D of this section shall release a consumer's credit

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report as requested by the consumer within fifteen minutes after the consumer's request is received by the consumer reporting agency through the use of a telephone or a secure electronic method provided by the agency, which may include the use of the internet, facsimile or other electronic means; provided that the consumer reporting agency is not required to release the credit report within fifteen minutes unless the consumer's request is received by the consumer reporting agency between the hours of 6:00 a.m. and 9:30 p.m. mountain standard or mountain daylight time, as applicable, Sunday through Saturday."

9. On page 4, lines 18 through 23, strike Subsection F in its entirety and insert in lieu thereof the following new subsection:

"F. A consumer reporting agency need not release a credit report within the time periods set forth in Subsection E of this section if:

(1) the consumer fails to meet the requirements of Subsection D of this section; or

(2) the consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:

(a) an act of God, including fire, earthquake, hurricane, storm or similar natural disaster or phenomenon;

(b) unauthorized or illegal acts by a third party, including terrorism, sabotage, riots, vandalism, labor strikes or disputes disrupting operations or similar occurrences;

(c) operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failure inhibiting response time or similar disruption;

(d) governmental action, including emergency orders or regulations, judicial or law enforcement actions or similar directives;

(e) regularly scheduled maintenance of, or

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updates to, the consumer reporting agency's systems during other than normal business hours; or

(f) commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled."

10. On page 4, line 24, after "agency" insert "erroneously".

11. On page 5, line 2, after "consumer" insert "of the release of information", after the second occurrence of "the" insert "agency's discovery of the erroneous" and on line 3, strike the comma and "including" and insert in lieu thereof "and inform the consumer of".

12. On page 5, line 12, strike "who is less than sixty-five years of age".

13. On page 5, line 13, strike "five dollars (\$5.00)" and insert in lieu thereof "ten dollars (\$10.00)" and strike "initial" and on line 15, strike "ten dollars (\$10.00)" and insert in lieu thereof "five dollars (\$5.00)".

14. On page 5, line 17, after "time" insert a period, strike the remainder of the line, strike line 18 up to the period and insert in lieu thereof:

"A consumer reporting agency may charge a fee of no more than five dollars (\$5.00) for the removal of a security freeze".

15. On page 5, line 19, after "charged" insert "to a consumer who is sixty-five years of age or older or".

16. On page 5, line 21, before the period insert "alleging the crime of identity theft".

17. On page 6, line 10, strike "providing information to" and insert in lieu thereof "releasing a consumer's credit report".

18. On page 6, lines 11 through 13, strike Paragraph (1) in its entirety and insert in lieu thereof the following:

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"(1) to a person or the person's subsidiary, affiliate, agent or assignee with which the consumer has or, prior to assignment, had an account, contract or debtor-creditor relationship for the purpose of reviewing the account or collecting the financial obligation owing for the account, contract or debt. As used in this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases and account upgrades and enhancements;

(2) to a subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted by the consumer pursuant to Subsection D of this section for the purpose of facilitating the extension of credit or other permissible use;

(3) to a person or entity administering a credit file monitoring subscription service to which the consumer has subscribed;

(4) to a person or entity for the purpose of providing a consumer with a copy of the consumer's credit report upon the consumer's request;"

19. Renumber the succeeding paragraphs accordingly.
20. On page 6, line 14, before "a person" insert "to".
21. On page 6, line 16, before "the child" insert "to".
22. On page 6, line 20, before "a governmental" insert "to".
23. On page 6, line 24, before "a person" insert "to".
24. On page 7, line 1, before "a consumer" insert "from" and strike "agency for its" and on line 2, strike "database or file if the database or file" and insert in lieu thereof "agency's database or file that".
25. On page 7, strike line 5.
26. On page 7, line 9, before "a person" insert "to".

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27. On page 7, between lines 11 and 12, insert the following new subsection:

"M. The following entities are not required to place a security freeze on a credit report:

(1) a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer credit reporting agencies and does not maintain a permanent database of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency;

(2) a check services or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers or similar methods of payment; or

(3) a deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, automatic teller machine abuse or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution."

28. On page 8, lines 6 and 7, strike "within three business days,".

29. On page 8, line 21, strike "and".

30. On page 9, line 1, before the period insert "; and

(4) payment of a fee, if applicable".

31. On page 9, line 6, after the period insert:

"As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.".

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32. On page 10, line 3, after the period insert:

"As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes.".,  
and thence referred to the **JUDICIARY COMMITTEE**.

Respectfully submitted,

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Debbie A. Rodella, Chair

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against  
Yes: 12  
No: 0  
Excused: Hanosh  
Absent: None

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