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H.613

Introduced by Representatives Burditt of West Rutland, Chesnut-Tangerman
of Middletown Springs, Dame of Essex, Eastman of Orwell,
Mrowicki of Putney, and Willhoit of St. Johnsbury

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection; child identity theft

Statement of purpose of bill as introduced: This bill proposes to authorize a
parent or guardian of a minor child to freeze the child's credit report or record
and exercise the child's other consumer protection rights under Vermont law.

An act relating to preventing child identity theft

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 63, subchapter 3 is amended to read:

Subchapter 3. Fair Credit Reporting

§ 2480a. DEFINITIONS

~~For purposes of~~ As used in this subchapter:

(1) "Consumer" means a natural person residing in this State.

(2) "Credit report" means:

(A) Any written, oral, or other communication of any information by
a credit reporting agency bearing on a consumer's credit worthiness, credit

1 standing, credit capacity, character, general reputation, personal characteristics,
2 or mode of living, including an investigative credit report.

3 (B) The term does not include:

4 (A)(i) a report containing information solely as to transactions or
5 experiences between the consumer and the person making the report; or

6 (B)(ii) an authorization or approval of a specific extension of
7 credit directly or indirectly by the issuer of a credit card or similar device.

8 * * *

9 (6) “Proper identification,” ~~as used in this subchapter,~~ means that:

10 (A) information generally deemed sufficient to identify a person; or

11 (B) in the case of a parent or legal guardian acting on behalf of a
12 minor child pursuant to section 2480m of this title, information generally
13 deemed sufficient to identify the parent or legal guardian, to identify the minor
14 child, and to establish parentage or legal guardianship.

15 (7) “Security freeze” means a notice placed in a credit report, at the
16 request of ~~the~~ a consumer, pursuant to section 2480h of this title, that prohibits
17 a credit reporting agency from releasing information about a consumer except
18 as otherwise allowed under this subchapter.

19 § 2480b. DISCLOSURES TO CONSUMERS

20 (a) A credit reporting agency shall, upon receiving a request and proper
21 identification of ~~any~~ a consumer, clearly and accurately disclose to the

1 consumer all information available to users at the time of the request pertaining
2 to the consumer, including:

3 * * *

4 § 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME
5 IN EFFECT

6 (a)(1) ~~Any Vermont~~ A consumer may place a security freeze on his or her
7 credit report pursuant to this section.

8 (2) A credit reporting agency shall not charge a fee to ~~victims~~ a victim
9 of identity theft but may charge a fee of up to \$10.00 to all other Vermont
10 consumers for placing, and \$5.00 for removing, removing for a specific party
11 or parties, or removing for a specific period of time after the freeze is in place,
12 a security freeze on a credit report.

13 (3) A consumer who ~~has been~~ is the victim of identity theft may place a
14 security freeze on his or her credit report by making a request in writing by
15 certified mail to a credit reporting agency with a valid copy of a police report,
16 investigative report, or complaint the consumer has filed with a law
17 enforcement agency about unlawful use of his or her personal information by
18 another person.

19 (4) ~~All other Vermont consumers~~ A consumer who is not the victim of
20 identity theft may place a security freeze on his or her credit report by making
21 a request in writing by certified mail to a credit reporting agency.

1 ~~not considered posted in a place of general public circulation for the purposes~~
2 ~~of this section.~~

3 (a)(1) If a credit reporting agency does not have any information on a
4 consumer necessary to produce a credit report, the consumer may request that
5 the credit reporting agency create a record for the consumer that includes the
6 consumer's name, address, date of birth, and Social Security number.

7 (2) Within three days of a consumer's request pursuant to subdivision
8 (1) of this subsection, a credit reporting agency shall create a record for the
9 consumer without charge.

10 (3) A consumer may request that a credit reporting agency place a
11 security freeze on his or her record pursuant to section 2480h of this title.

12 (b) A parent or legal guardian of a minor child shall have the authority to
13 act on behalf of the minor child and exercise the minor child's rights as a
14 consumer under this subchapter, including the right to request a credit
15 reporting agency to create a record for the child and place a security freeze on
16 the child's record.

17 * * *

18 Sec. 2. 9 V.S.A. § 2440(f) is amended to read:

19 (f)(1) Any person has the right to request that a town clerk or clerk of court
20 remove from an image or copy of an official record placed on a town's or
21 court's Internet website available to the general public or an Internet website

1 available to the general public to display public records by the town clerk or
2 clerk of court, the person's Social Security number, employer taxpayer
3 identification number, driver's license number, State identification number,
4 passport number, checking account number, savings account number, credit
5 card or debit card number, or personal identification number (PIN) code or
6 passwords contained in that official record. A town clerk or clerk of court is
7 authorized to redact the personal information identified in a request submitted
8 under this section. The request must be made in writing, legibly signed by the
9 requester, and delivered by mail, facsimile, or electronic transmission, or
10 delivered in person to the town clerk or clerk of court. The request must
11 specify the personal information to be redacted, information that identifies the
12 document that contains the personal information and unique information that
13 identifies the location within the document that contains the Social Security
14 number, employer taxpayer identification number, driver's license number,
15 State identification number, passport number, checking account number,
16 savings account number, credit card number, or debit card number, or personal
17 identification number (PIN) code or passwords to be redacted. The request for
18 redaction shall be considered a public record with access restricted to the town
19 clerk, the clerk of court, their staff, or upon order of the court. The town clerk
20 or clerk of court shall have no duty to inquire beyond the written request to
21 verify the identity of a person requesting redaction and shall have no duty to

1 remove redaction for any reason upon subsequent request by an individual or
2 by order of the court, if impossible to do so. No fee will be charged for the
3 redaction pursuant to such request. Any person who requests a redaction
4 without proper authority to do so shall be guilty of an infraction, punishable by
5 a fine not to exceed \$500.00 for each violation.

6 (2)(A) Prior to posting or requiring the posting of a document in a place
7 of general public circulation, an agency, board, department, commission,
8 committee, branch, instrumentality, or authority of the State, or an agency,
9 board, committee, department, branch, instrumentality, commission, or
10 authority of any political subdivision of the State shall take all reasonable steps
11 to redact any Social Security numbers from the document.

12 (B) Files and records made available to the public in accordance with
13 and pursuant to 24 V.S.A. § 1165 are not considered posted in a place of
14 general public circulation for the purposes of this subdivision (2).

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on July 1, 2016.