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S.207

Introduced by Senators Ashe, Ayer, Balint, Baruth, Bray, Brooks, Campion,
Clarkson, Cummings, Ingram, Kitchel, Lyons, MacDonald,
McCormack, Nitka, Pearson, Pollina, Sears, Sirotkin, Starr, and
White

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection

Statement of purpose of bill as introduced: This bill proposes to eliminate fees
to place or remove a credit freeze on a consumer's credit report.

An act relating to eliminating fees for placing or removing a credit freeze

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

Sec. 1. 9 V.S.A. 2480b is amended to read:

§ 2480b. DISCLOSURES TO CONSUMERS

(a) A credit reporting agency shall, upon request and proper identification
of any consumer, clearly and accurately disclose to the consumer all
information available to users at the time of the request pertaining to the
consumer, including:

1 (1) any credit score or predictor relating to the consumer, in a form and
2 manner that complies with such comments or guidelines as may be issued by
3 the Federal Trade Commission;

4 (2) the names of users requesting information pertaining to the
5 consumer during the prior 12-month period and the date of each request; and

6 (3) a clear and concise explanation of the information.

7 (b) As frequently as new telephone directories are published, the credit
8 reporting agency shall cause to be listed its name and number in each
9 telephone directory published to serve communities of this State. In
10 accordance with rules adopted by the Attorney General, the credit reporting
11 agency shall make provision for consumers to request by telephone the
12 information required to be disclosed pursuant to subsection (a) of this section
13 at no cost to the consumer.

14 (c) Any time a credit reporting agency is required to make a written
15 disclosure to consumers pursuant to 15 U.S.C. § 1681g, it shall disclose, in at
16 least 12 point type, and in bold type as indicated, the following notice:

17 “NOTICE TO VERMONT CONSUMERS

18 (1) Under Vermont law, you are allowed to receive one free copy of
19 your credit report every 12 months from each credit reporting agency. If you
20 would like to obtain your free credit report from [INSERT NAME OF
21 COMPANY], you should contact us by [[writing to the following address:

1 [INSERT ADDRESS FOR OBTAINING FREE CREDIT REPORT]] or
2 [calling the following number: [INSERT TELEPHONE NUMBER FOR
3 OBTAINING FREE CREDIT REPORT]],² or both].

4 (2) Under Vermont law, no one may access your credit report without
5 your permission except under the following limited circumstances:

6 (A) in response to a court order;

7 (B) for direct mail offers of credit;

8 (C) if you have given ongoing permission and you have an existing
9 relationship with the person requesting a copy of your credit report;

10 (D) ~~where~~ when the request for a credit report is related to an
11 education loan made, guaranteed, or serviced by the Vermont Student
12 Assistance Corporation;

13 (E) ~~where~~ when the request for a credit report is by the Office of
14 Child Support ~~Services~~ when investigating a child support case;

15 (F) ~~where~~ when the request for a credit report is related to a credit
16 transaction entered into prior to January 1, 1993; ~~and~~ or

17 (G) ~~where~~ when the request for a credit report is by the Vermont
18 ~~State Tax~~ Department of Taxes and is used for the purpose of collecting or
19 investigating delinquent taxes.

20 (3) If you believe a law regulating consumer credit reporting has been
21 violated, you may file a complaint with the Vermont Attorney General's

1 Consumer Assistance Program, 104 Morrill Hall, University of Vermont,
2 Burlington, Vermont 05405.

3 Vermont Consumers Have the Right to Obtain a Security Freeze

4 You have a right to place a “security freeze” on your credit report pursuant
5 to 9 V.S.A. § 2480h at no charge ~~if you are a victim of identity theft. All other~~
6 ~~Vermont consumers will pay a fee to the credit reporting agency of up to~~
7 ~~\$10.00 to place the freeze on their credit report.~~ The security freeze will
8 prohibit a credit reporting agency from releasing any information in your credit
9 report without your express authorization. A security freeze must be requested
10 in writing by certified mail.

11 The security freeze is designed to help prevent credit, loans, and services
12 from being approved in your name without your consent. However, you
13 should be aware that using a security freeze to take control over who gains
14 access to the personal and financial information in your credit report may
15 delay, interfere with, or prohibit the timely approval of any subsequent request
16 or application you make regarding new loans, credit, mortgage, insurance,
17 government services or payments, rental housing, employment, investment,
18 license, cellular phone, utilities, digital signature, ~~internet~~ Internet credit card
19 transaction, or other services, including an extension of credit at point of sale.

20 When you place a security freeze on your credit report, within ten business
21 days you will be provided a personal identification number or password to use

1 if you choose to remove the freeze on your credit report or authorize the
2 release of your credit report for a specific party, parties, or period of time after
3 the freeze is in place. To provide that authorization, you must contact the
4 credit reporting agency and provide all of the following:

5 (1) The unique personal identification number or password provided by
6 the credit reporting agency.

7 (2) Proper identification to verify your identity.

8 (3) The proper information regarding the third party or parties who are
9 to receive the credit report or the period of time for which the report shall be
10 available to users of the credit report.

11 A credit reporting agency ~~may~~ shall not charge a fee of up to \$5.00 to a
12 ~~consumer who is not a victim of identity theft~~ to remove the freeze on your
13 credit report or authorize the release of your credit report for a specific party,
14 parties, or period of time after the freeze is in place. ~~For a victim of identity~~
15 ~~theft, there is no charge when the victim submits a copy of a police report,~~
16 ~~investigative report, or complaint filed with a law enforcement agency about~~
17 ~~unlawful use of the victim's personal information by another person.~~

18 A credit reporting agency that receives a request from a consumer to lift
19 temporarily a freeze on a credit report shall comply with the request no later
20 than three business days after receiving the request.

1 A security freeze ~~will~~ shall not apply to “preauthorized approvals of credit.”
2 If you want to stop receiving preauthorized approvals of credit, you should call
3 [INSERT PHONE NUMBERS] [ALSO INSERT ALL OTHER CONTACT
4 INFORMATION FOR PRESCREENED OFFER ~~OPT-OUT~~ OPT-OUT.]

5 A security freeze does not apply to a person or entity, or its affiliates, or
6 collection agencies acting on behalf of the person or entity with which you
7 have an existing account that requests information in your credit report for the
8 purposes of reviewing or collecting the account, provided you have previously
9 given your consent to this use of your credit reports. Reviewing the account
10 includes activities related to account maintenance, account monitoring, credit
11 line increases, and account upgrades and enhancements.

12 You have a right to bring a civil action against someone who violates your
13 rights under the credit reporting laws. The action can be brought against a
14 credit reporting agency or a user of your credit report.”

15 (d) The information required to be disclosed by this section shall be
16 disclosed in writing. The information required to be disclosed pursuant to
17 subsection (c) of this section shall be disclosed on one side of a separate
18 document, with text no smaller than that prescribed by the Federal Trade
19 Commission for the notice required under 15 U.S.C. ~~§ 1681e~~ § 1681g. The
20 information required to be disclosed pursuant to subsection (c) of this section
21 may accurately reflect changes in numerical items that change over time (such

1 as the ~~phone~~ telephone number or address of a Vermont State agencies
2 agency); and remain in compliance.

3 (e) The Attorney General may revise this required notice by rule as
4 appropriate from time to time ~~so long as,~~ provided no new substantive rights
5 are created therein.

6 Sec. 2. 9 V.S.A. § 2480h is amended to read:

7 § 2480h. SECURITY FREEZE BY CREDIT REPORTING AGENCY; TIME
8 IN EFFECT

9 (a)(1) Any Vermont consumer may place a security freeze on his or her
10 credit report. A credit reporting agency shall not charge a fee to ~~victims of~~
11 ~~identity theft but may charge a fee of up to \$10.00 to all other~~ a Vermont
12 ~~consumers~~ consumer for placing ~~and \$5.00 for~~ or removing, removing for a
13 specific party or parties, or removing for a specific period of time after the
14 freeze is in place a security freeze on a credit report.

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

1 ~~his or her credit report by making a request in writing by certified mail to a~~
2 ~~credit reporting agency.~~

3 (3) A security freeze shall prohibit, subject to the exceptions in
4 subsection (1) of this section, the credit reporting agency from releasing the
5 consumer's credit report or any information from it without the express
6 authorization of the consumer. ~~When a security freeze is in place, information~~
7 ~~from a consumer's credit report shall not be released to a third party without~~
8 ~~prior express authorization from the consumer.~~

9 (4) This subsection does not prevent a credit reporting agency from
10 advising a third party that a security freeze is in effect with respect to the
11 consumer's credit report.

12 (b) A credit reporting agency shall place a security freeze on a consumer's
13 credit report ~~no~~ not later than five business days after receiving a written
14 request from the consumer.

15 (c) The credit reporting agency shall send a written confirmation of the
16 security freeze to the consumer within 10 business days and shall provide the
17 consumer with a unique personal identification number or password, other than
18 the customer's Social Security number, to be used by the consumer when
19 providing authorization for the release of his or her credit for a specific party,
20 parties, or period of time.

1 (d) If the consumer wishes to allow his or her credit report to be accessed
2 for a specific party, parties, or period of time while a freeze is in place, he or
3 she shall contact the credit reporting agency, request that the freeze be
4 temporarily lifted, and provide the following:

5 (1) Proper identification.

6 (2) The unique personal identification number or password provided by
7 the credit reporting agency pursuant to subsection (c) of this section.

8 (3) The proper information regarding the third party, parties, or time
9 period for which the report shall be available to users of the credit report.

10 (e) A credit reporting agency may develop procedures involving the use of
11 telephone, fax, the Internet, or other electronic media to receive and process in
12 an expedited manner a request from a consumer to temporarily lift a freeze on
13 a credit report pursuant to subsection (d) of this section ~~in an expedited~~
14 ~~manner~~.

15 (f) A credit reporting agency that receives a request from a consumer to lift
16 temporarily a freeze on a credit report pursuant to subsection (d) of this section
17 shall comply with the request ~~no~~ not later than three business days after
18 receiving the request.

19 (g) A credit reporting agency shall remove or temporarily lift a freeze
20 placed on a consumer's credit report only in the following cases:

1 (1) Upon consumer request, pursuant to subsection (d) or (j) of this
2 section.

3 (2) If the consumer's credit report was frozen due to a material
4 misrepresentation of fact by the consumer. If a credit reporting agency intends
5 to remove a freeze upon a consumer's credit report pursuant to this
6 subdivision, the credit reporting agency shall notify the consumer in writing
7 prior to removing the freeze on the consumer's credit report.

8 (h) If a third party requests access to a credit report on which a security
9 freeze is in effect and this request is in connection with an application for
10 credit or any other use and the consumer does not allow his or her credit report
11 to be accessed for that specific party or period of time, the third party may treat
12 the application as incomplete.

13 (i) If a consumer requests a security freeze pursuant to this section, the
14 credit reporting agency shall disclose to the consumer the process ~~of~~ for
15 placing and temporarily lifting a security freeze and the process for allowing
16 access to information from the consumer's credit report for a specific party,
17 parties, or period of time while the security freeze is in place.

18 (j) A security freeze shall remain in place until the consumer requests that
19 the security freeze be removed. A credit reporting agency shall remove a
20 security freeze within three business days of receiving a request for removal
21 from the consumer who provides both of the following:

1 (1) Proper identification.

2 (2) The unique personal identification number or password provided by
3 the credit reporting agency pursuant to subsection (c) of this section.

4 (k) A credit reporting agency shall require proper identification of the
5 person making a request to place or remove a security freeze.

6 (l) The provisions of this section, including the security freeze, ~~do~~ shall not
7 apply to the use of a consumer report by the following:

8 (1) A person, or the person's subsidiary, affiliate, agent, or assignee with
9 which the consumer has or, prior to assignment, had an account, contract, or
10 debtor-creditor relationship, for the purposes of reviewing the account or
11 collecting the financial obligation owing for the account, contract, or debt, or
12 extending credit to a consumer with a prior or existing account, contract, or
13 debtor-creditor relationship, subject to the requirements of section 2480e of
14 this title. For purposes of this subdivision, "reviewing the account" includes
15 activities related to account maintenance, account monitoring, credit line
16 increases, and account upgrades and enhancements.

17 (2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a
18 person to whom access has been granted under subsection (d) of this section
19 for purposes of facilitating the extension of credit or ~~other~~ for another
20 permissible use.

21 (3) Any person acting pursuant to a court order, warrant, or subpoena.

1 (4) The Office of Child Support when investigating a child support case
2 pursuant to Title IV-D of the Social Security Act (42 U.S.C. et seq.) and
3 33 V.S.A. § 4102.

4 (5) The Economic Services Division of the Department for Children and
5 Families or the Department of Vermont Health Access or its agents or assignee
6 acting to investigate welfare fraud or Medicaid fraud.

7 (6) The Department of Taxes, municipal taxing authorities, ~~or~~ the
8 Department of Motor Vehicles, or any of their agents or assignees, acting to
9 investigate or collect delinquent taxes or assessments, including interest and
10 penalties, to investigate or collect unpaid court orders, or to fulfill any of their
11 other statutory or charter responsibilities.

12 (7) A person's use of credit information for the purposes of prescreening
13 as provided by the federal Fair Credit Reporting Act.

14 (8) Any person for the sole purpose of providing a credit file monitoring
15 subscription service to which the consumer has subscribed.

16 (9) A credit reporting agency for the sole purpose of providing a
17 consumer with a copy of his or her credit report upon the consumer's request.

18 (10) Any property and casualty insurance company for use in setting or
19 adjusting a rate or underwriting for property and casualty insurance purposes.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on passage.