

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 1057

By COMMITTEE ON RULES

July 1

1 On page 1 of the printed A-engrossed bill, line 2, after “information” insert a period and delete
2 the rest of the line and delete line 3.

3 Delete lines 5 through 20 and delete pages 2 through 13 and insert:

4 **“SECTION 1. As used in sections 1 to 4 of this 2005 Act:**

5 **“(1) ‘Consumer’ means an individual who is a resident of this state and on whom a con-**
6 **sumer reporting agency maintains a credit report.**

7 **“(2) ‘Consumer reporting agency’ means a consumer reporting agency as described in the**
8 **federal Fair Credit Reporting Act, 15 U.S.C. 1681a.**

9 **“(3)(a) ‘Credit report’ means the communication of information by a consumer reporting**
10 **agency that:**

11 **“(A) Bears on a consumer’s creditworthiness, credit standing, credit capacity, debts,**
12 **character, general reputation, personal characteristics or mode of living; and**

13 **“(B) Is used, expected to be used or collected to be used as a factor to establish the**
14 **consumer’s eligibility for credit or insurance that the consumer will use for personal, family**
15 **or household purposes, employment purposes or any other purpose authorized pursuant to**
16 **the federal Fair Credit Reporting Act, 15 U.S.C. 1681a and 1681b.**

17 **“(b) ‘Credit report’ does not mean a communication of information that:**

18 **“(A) Solely relates to a transaction between the consumer and the person making the**
19 **report;**

20 **“(B) Authorizes or approves a specific extension of credit by the issuer of a credit card**
21 **or similar device; or**

22 **“(C) Conveys a decision by a person on whether to make a specific extension of credit to**
23 **a consumer in response to a request by a third party if:**

24 **“(i) The third party advises the consumer of the name and address of the person to whom**
25 **the request is made; and**

26 **“(ii) In the event of an adverse action on the request, the person makes the disclosures**
27 **that must be made to the consumer pursuant to the federal Fair Credit Reporting Act, 15**
28 **U.S.C. 1681m.**

29 **“(4) ‘Creditworthiness’ means an entry in a consumer’s file that affects the ability of the**
30 **consumer to obtain and retain credit, employment, business or professional licenses, invest-**
31 **ment opportunities or insurance. Entries contained in a consumer’s file or in a credit report**
32 **pertaining to the consumer that affect creditworthiness include, but are not limited to,**
33 **debts, payment information, defaults, judgments, liens, bankruptcies, collections, records of**
34 **arrest or indictments and multiple credit inquiries.**

35 **“(5) ‘Security freeze’ means a notice placed in a consumer’s credit report at the request**

1 of the consumer that prohibits the consumer reporting agency, except as provided in section
2 2 of this 2005 Act, from releasing the consumer's credit report or any information from the
3 credit report without the express authorization of the consumer.

4 **"SECTION 2. (1) Any consumer may place a security freeze in the consumer's credit re-**
5 **port. The consumer may place the security freeze by making a request in writing by certified**
6 **mail to a consumer reporting agency.**

7 **"(2) A consumer reporting agency shall place a security freeze in the consumer's credit**
8 **report within five business days after receiving a consumer's request under subsection (1)**
9 **of this section. The consumer reporting agency shall send a written confirmation of the se-**
10 **curity freeze and a unique personal identification number or password to the consumer**
11 **within 10 business days after receiving the consumer's request. The written confirmation**
12 **shall also provide to the consumer in plain and simple language:**

13 **"(a) The consumer's rights and the consumer reporting agency's obligations under this**
14 **section;**

15 **"(b) Notification that the security freeze will remain in the consumer's credit report until**
16 **the consumer requests the security freeze be temporarily lifted or removed;**

17 **"(c) The procedures for temporarily lifting or removing the security freeze;**

18 **"(d) The fees that the consumer reporting agency may charge for placing, temporarily**
19 **lifting or removing a security freeze; and**

20 **"(e) A statement that a security freeze in the consumer's credit report may delay, in-**
21 **terfere with or prohibit the timely approval of a request or application for a loan, credit, a**
22 **mortgage, insurance, a government service or payment, rental housing, employment, in-**
23 **vestment, a license, a cellular telephone, utilities, a digital signature, an Internet credit card**
24 **transaction or other service, including an extension of credit at a point of sale.**

25 **"(3) If a security freeze is in place, the consumer reporting agency may not release in-**
26 **formation from a consumer's credit report to a third party without the consumer's express**
27 **authorization, except as provided in subsection (4) of this section.**

28 **"(4) While a security freeze is in place in a consumer's credit report, a consumer re-**
29 **porting agency may provide information from that report without the consumer's consent**
30 **when the person requesting the credit report is:**

31 **"(a) A person or a subsidiary, agent or assignee of the person with which the consumer**
32 **has or, prior to assignment, had an account, contract or debtor-creditor relationship;**

33 **"(b) A public body as defined in ORS 174.109;**

34 **"(c) A collection agency, as defined in ORS 697.005, that is collecting an obligation for a**
35 **public body, including but not limited to collecting child support payments under ORS 25.020;**

36 **"(d) Acting pursuant to a court order, warrant or subpoena; or**

37 **"(e) A person making firm offers of credit or insurance from prescreened lists as pro-**
38 **vided for by the federal Fair Credit Reporting Act.**

39 **"(5)(a) To permit access to a credit report by a third party or by all persons for a speci-**
40 **fied period of time, the consumer who requested the security freeze must contact the con-**
41 **sumer reporting agency and request a temporary lift. The consumer shall include in the**
42 **request the consumer's unique personal identification number or password provided by the**
43 **consumer reporting agency and information regarding the third party or the period of time**
44 **to which the temporary lift applies.**

45 **"(b) The request for a temporary lift may be made by telephone, mail, facsimile or elec-**

1 tronic mail pursuant to reasonable procedures established by the consumer reporting agency.

2 “(c) The consumer reporting agency must act upon the request for a temporary lift
3 within three business days of receiving the request from the consumer.

4 “(6)(a) While a security freeze is in place in a consumer’s credit report, a consumer re-
5 porting agency may not change the consumer’s name, date of birth, Social Security number
6 or address in the consumer’s credit report without:

7 “(A) Verifying that the person requesting the change is the consumer, including verifying
8 the consumer’s unique personal identification number or password provided by the consumer
9 reporting agency; and

10 “(B) Sending written confirmation of the change to the consumer within 30 days of
11 making the alteration to the consumer’s credit report. If the consumer reporting agency
12 changed the consumer’s address, the consumer reporting agency must send a written con-
13 firmation to both the consumer’s new address and former address.

14 “(b) This subsection does not apply if the consumer reporting agency makes corrections
15 to the consumer’s name, date of birth, Social Security number and address, including cor-
16 recting spelling errors and transposition of numbers or letters.

17 “(7) A security freeze shall remain in a consumer’s credit report until the consumer
18 makes a written request for removal. If a consumer requests removal of a security freeze,
19 the consumer must include with the request the consumer’s unique personal identification
20 number or password provided by the consumer reporting agency. The consumer reporting
21 agency shall remove the security freeze from the consumer’s credit report within three
22 business days of receiving the written request.

23 “(8) A consumer reporting agency may not charge a consumer a fee for placing a security
24 freeze if the request is the first request made by the consumer for the placement of a se-
25 curity freeze. However, a consumer reporting agency may charge the consumer a reasonable
26 fee not to exceed \$10 for each subsequent placement, temporary lift or removal of a security
27 freeze as described in this section.

28 “SECTION 3. (1) Section 2 of this 2005 Act does not apply to:

29 “(a) A person whose principal business is investigating fraud and reporting the results
30 of investigations for use in deciding whether to approve or process a negotiable instrument,
31 electronic funds transfer or similar method of payment or to approve a deposit account; or

32 “(b) A consumer reporting agency that:

33 “(A) Furnishes only credit reports created and maintained by other consumer reporting
34 agencies; and

35 “(B) Does not maintain records from which new credit reports are produced.

36 “(2) Notwithstanding subsection (1)(b) of this section, if a consumer has requested that
37 a consumer reporting agency place a security freeze in a consumer’s credit report, a con-
38 sumer reporting agency that furnishes only credit reports created and maintained by other
39 consumer reporting agencies shall furnish the credit report only to persons or during periods
40 of time designated by the consumer.

41 “SECTION 4. Any consumer injured by a violation of any provision of section 2 or 3 of
42 this 2005 Act may bring a civil action to recover actual damages arising from the violation,
43 plus attorney fees and costs reasonably incurred in the action.”.