

House Bill 966

By: Representatives Teilhet of the 40th, Jacobs of the 80th, Johnson of the 37th, Barnard of the 166th, and Manning of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 34 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to identity theft, so as to define certain terms; to provide that a person may place a
3 security freeze on his or her credit report by notifying the credit reporting agencies; to
4 provide for procedures; to provide for a temporary or permanent lifting of such freeze; to
5 provide for fees; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 34 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
10 identity theft, is amended by inserting at the end thereof the following:

11 "10-1-913.

12 (a) As used in this Code section, the term:

13 (1) 'Consumer reporting agency' means any person that, for monetary fees, dues, or on
14 a cooperative nonprofit basis, regularly engages in whole or in part in the practice of
15 assembling or evaluating consumer credit information or other information on consumers
16 for the purpose of furnishing consumer reports to third parties.

17 (2) 'Credit information' shall mean any credit related information derived from a credit
18 report or found on a credit report utilized by an insurer or used by an insurer to calculate
19 an insurance score for personal insurance. Information that is not credit related shall not
20 be considered credit information, regardless of whether it is contained in a credit report
21 or in an application or is used to calculate an insurance score.

22 (3) 'Credit report' shall mean any written, oral, or other communication of information
23 by a consumer reporting agency bearing on a consumer's credit worthiness, credit
24 standing, or credit capacity which is used or expected to be used or collected in whole or
25 in part for the purpose of serving as a factor to determine personal insurance premiums,
26 eligibility for coverage, or tier placement.

1 (4) 'Security freeze' means a notice placed in a consumer's credit report that prohibits the
2 consumer credit reporting agency from releasing the consumer's credit report or any
3 information from it without the express authorization of the consumer.

4 (b) A consumer may elect to place a security freeze on his or her credit report by making
5 a request in writing by certified mail to a consumer credit reporting agency. A consumer
6 credit reporting agency shall place a security freeze on a consumer's credit report no later
7 than five business days after receiving a written request from the consumer. The consumer
8 credit reporting agency shall send a written confirmation of the security freeze to the
9 consumer within ten business days and shall provide the consumer with a unique personal
10 identification number or password to be used by the consumer when providing
11 authorization for the release of his or her credit for a specific party or period of time.

12 (c) If a security freeze is in place, a consumer reporting agency shall not release credit
13 information from a consumer's credit report to a third party without prior express
14 authorization from the consumer; provided, however, that a consumer credit reporting
15 agency may advise a third party that a security freeze is in effect with respect to the
16 consumer's credit report.

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

20 (1) Proper identification;

21 (2) The unique personal identification number or password provided by the credit
22 reporting agency pursuant to subsection (b) of this Code section; and

23 (3) The proper information regarding the third party who is to receive the credit report
24 or the time period for which the report shall be available to users of the credit report.

25 (e) A consumer credit reporting agency that receives a request from a consumer to
26 temporarily lift a freeze on a credit report pursuant to subsection (d) of this Code section
27 shall comply with the request no later than three business days after receiving the request.

28 (f) A consumer credit reporting agency may develop procedures involving the use of
29 telephone, fax, the Internet, or other electronic media to receive and process a request from
30 a consumer to temporarily lift a freeze on a credit report pursuant to subsection (d) of this
31 Code section in an expedited manner.

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

34 (1) Upon consumer request, pursuant to subsection (d) of this Code section; or

35 (2) If the consumer's credit report was frozen due to a material misrepresentation of fact
36 by the consumer. If a consumer credit reporting agency intends to remove a freeze upon
37 a consumer's credit report pursuant to this paragraph, the consumer credit reporting

1 agency shall notify the consumer in writing prior to removing the freeze on the
2 consumer's credit report.

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

7 (i) If a consumer requests a security freeze, the consumer credit reporting agency shall
8 disclose the process of placing and temporarily lifting a freeze and the process for allowing
9 access to information from the consumer's credit report for a specific party or period of
10 time while the freeze is in place.

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

15 (1) Proper identification; and

16 (2) The unique personal identification number or password provided by the credit
17 reporting agency pursuant to subsection (d) of this Code section.

18 (k) A consumer reporting agency may charge a fee of no more than \$10.00 to a consumer
19 for each freeze, removal of the freeze, or temporary lift of the freeze for a period of time,
20 or a fee of no more than \$12.00 for a temporary lift of a freeze for a specific party,
21 regarding access to a consumer credit report, except that a consumer credit reporting
22 agency may not charge a fee to a victim of identity theft who has submitted a valid police
23 report that alleges the offense of identity fraud pursuant to Article 8 of Chapter 9 of Title
24 16."

25 **SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.