

House Bill 656

By: Representatives Houston of the 170th, Greene of the 151st, LaHood of the 175th, Tankersley of the 160th, and Wilson of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and
2 trade, so as to provide certain protections to consumers who have experienced financial
3 hardship as a result of the coronavirus disease 2019 pandemic; to provide for definitions; to
4 require credit consumer reporting agencies to place a COVID-19 alert along with or
5 accompanying any consumer report or credit score provided by the consumer credit reporting
6 agency in the file of that consumer indicating the consumer has been impacted by the
7 COVID-19 pandemic; to provide for removal of such an alert; to provide procedures for
8 placement and removal of a COVID-19 alert; to provide for enforcement and penalties; to
9 provide a short title; to provide for an effective date; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "COVID-19 Credit Report Protection for
14 Consumers Act."

H. B. 656

15 **SECTION 2.**

16 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
17 amended in Chapter 1, relating to selling and other trade practices, by adding a new article
18 to read as follows:

19 "ARTICLE 3520 10-1-920.21 As used in this article, the term:22 (1) 'Affected by COVID-19' means suffered financial harm directly related to the
23 COVID-19 pandemic during the covered COVID-19 period.24 (2) 'Consumer' means a natural person residing in this state.25 (3) 'Consumer credit report' means a 'consumer report' as defined in 15 U.S.C.
26 Section 1681a(d) that a consumer reporting agency furnishes to a person which it has
27 reason to believe intends to use the information as a factor in establishing the consumer's
28 eligibility for credit to be used primarily for personal, family, or household purposes.29 (4) 'Consumer credit reporting agency' means any person who, for monetary fees, dues,
30 or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice
31 of assembling or evaluating consumer credit information or other information on
32 consumers for the purpose of furnishing consumer credit reports to third parties.33 (5) 'Covered COVID-19 period' means the period beginning on January 31, 2020, and
34 ending 120 days after the date that the Public Health State of Emergency in Georgia for
35 the Novel Coronavirus (COVID-19) declared by the Governor in Executive
36 Order 03.14.20.01 and renewed by Executive Order 01.29.21.01, terminates.37 (6) 'Person' means any individual, partnership, corporation, limited liability company,
38 trust, estate, cooperative, association, or other entity.

39 10-1-921.

40 (a) A consumer who has been affected by COVID-19 may place a COVID-19 alert with
41 the consumer's credit report by making a request to a consumer credit reporting agency.
42 No later than 15 days after the effective date of this article, a consumer credit reporting
43 agency shall make available to consumers an internet based method of requesting and
44 completely removing a COVID-19 alert and a toll-free telephone number for consumers
45 to use to place and to completely remove a COVID-19 alert.

46 (b) If a consumer requests a COVID-19 alert pursuant to this article, the consumer credit
47 reporting agency shall disclose to the consumer the process of placing and removing a
48 COVID-19 alert.

49 (c) A consumer requesting a COVID-19 alert shall be required to report that the consumer
50 in good faith believes that he or she has been affected by COVID-19.

51 10-1-922.

52 (a) Within three business days of the date of the consumer requesting a COVID-19 alert,
53 the consumer credit reporting agency shall include such COVID-19 alert along with or
54 accompanying any consumer report or credit score provided by the consumer credit
55 reporting agency indicating that the consumer has been impacted by the COVID-19
56 pandemic.

57 (b) The consumer credit reporting agency shall send a written confirmation of the
58 COVID-19 alert to the consumer within ten business days of placing the COVID-19 alert
59 along with or accompanying any consumer report or credit score of the consumer.

60 10-1-923.

61 (a) A COVID-19 alert shall remain in place until the consumer requests that the
62 COVID-19 alert be removed.

63 (b) A consumer credit reporting agency shall remove a COVID-19 alert within three
64 business days of receiving a request for removal from the consumer.

65 10-1-924.

66 A consumer credit reporting agency shall not charge a fee for any service performed under
67 this article.

68 10-1-925.

69 (a) A person that violates this article may be investigated and prosecuted under the
70 provisions of Part 2 of Article 15 of this chapter, the 'Fair Business Practices Act of 1975,'
71 and may be fined not more than \$100.00 for a violation concerning a specific consumer.

72 (b) The Attorney General may bring an action for temporary or permanent injunctive or
73 other relief for any violation of this article or an action for the penalty authorized in
74 subsection (a) of this Code section."

75 **SECTION 3.**

76 This Act shall become effective upon its approval by the Governor or upon its becoming law
77 without such approval.

78 **SECTION 4.**

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