

SECOND REGULAR SESSION

SENATE BILL NO. 882

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Pre-filed December 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3728S.01I

AN ACT

To amend chapter 407, RSMo, by adding thereto three new sections relating to consumer credit reports.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto three new sections, to be known as sections 407.1380, 407.1382, and 407.1384, to read as follows:

407.1380. As used in sections 407.1380 to 407.1384, the following terms shall mean:

(1) "Consumer", any individual;

(2) "Consumer credit reporting agency", any entity that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer credit reports to third parties;

(3) "Credit report", any written or electronic communication of any information by a consumer credit reporting agency that in any way bears upon a person's credit worthiness, credit capacity, or credit standing;

(4) "Credit score", a numerical value that indicates a consumer's credit worthiness;

(5) "Security freeze", a notice placed in a consumer's credit report, at the request of the consumer, that prohibits the consumer credit reporting agency from releasing the consumer's credit report, credit score, or any information contained in the report without the express authorization of the consumer.

407.1382. 1. A consumer may request that a consumer credit

2 reporting agency place a security freeze on that consumer's credit
3 report or credit score or both, if that request is made:

4 (1) In writing or by personal delivery; or

5 (2) By other reliable means, including Internet, telephone, or
6 facsimile; and

7 (3) Proper identification is presented to adequately identify the
8 requestor as the consumer subject to the credit report or credit score.

9 2. A consumer credit reporting agency shall honor a consumer's
10 request for a security freeze, free of charge, within five days of receipt
11 of such request.

12 3. A consumer credit reporting agency shall, within ten days of
13 placing a security freeze on the consumer's credit report or credit
14 score, send the consumer:

15 (1) Confirmation of compliance with the consumer's request;

16 (2) Instructions explaining the process of placing, removing, and
17 temporarily lifting a security freeze and the process for allowing access
18 to information from the consumer's credit report for a specific
19 requestor;

20 (3) A unique personal identification number or password to be
21 used by the consumer to remove temporarily or permanently the
22 security freeze or designate a specific requestor for receipt of the
23 credit report or credit score despite the security freeze.

24 4. A consumer credit reporting agency shall not furnish a credit
25 report or credit score to any person if the consumer who is subject to
26 the credit report or score has requested a security freeze be placed on
27 that report or score unless the credit report or score:

28 (1) Is requested by the consumer who is subject to the report or
29 score;

30 (2) Is furnished under a court order;

31 (3) Is furnished during a period in which the consumer has
32 temporarily removed the freeze;

33 (4) Is requested by a specific person whom the consumer has
34 identified as eligible for receipt of the credit report or credit score
35 under subsection 5 of this section, despite the consumer's request for
36 a security freeze; or

37 (5) Is furnished to a person with whom the consumer has a
38 debtor-creditor relationship.

39 **5. A consumer may request that the consumer credit reporting**
40 **agency furnish a credit report or credit score to a designated person**
41 **despite the consumer request for a security freeze under subsection 1**
42 **of this section, if that request is made:**

43 **(1) In writing or by personal delivery; or**

44 **(2) By other reliable means, including Internet, telephone, or**
45 **facsimile; and**

46 **(3) Proper identification is presented to adequately identify the**
47 **requestor as the consumer subject to the credit report or credit score.**

48 **6. A consumer credit reporting agency shall remove a security**
49 **freeze within three business days of receiving a request for removal**
50 **from a consumer when such consumer provides:**

51 **(1) Proper identification to adequately identify the requestor as**
52 **the consumer who is subject to the credit report or credit score; and**

53 **(2) The unique personal identification number or password**
54 **issued to the consumer for temporarily or permanently removing the**
55 **security freeze.**

56 **7. No consumer credit reporting agency shall assess any fee or**
57 **charge to a consumer in association with a request made by the**
58 **consumer for a security freeze under this section or for the temporary**
59 **or permanent removal of a security freeze under this section.**

407.1384. 1. Any consumer credit reporting agency that fails to
2 **comply with the provisions of sections 407.1380 to 407.1384 shall be**
3 **liable to the consumer who is subject to the credit report or credit**
4 **score in an amount equal to:**

5 **(1) Any actual damages sustained by the consumer due to such**
6 **failure; and**

7 **(2) Any court costs and fees assessed in maintaining the action,**
8 **as well as reasonable attorney's fees.**

9 **2. In addition to the foregoing monetary sums, a court, upon**
10 **request of the damaged consumer, shall award such equitable relief as**
11 **may be necessary to restore the damaged consumer's credit and to**
12 **discourage future violations of sections 407.1380 to 407.1384 by the**
13 **consumer credit reporting agency.**