

SECOND REGULAR SESSION

SENATE BILL NO. 801

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 20, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4330S.01I

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to identity theft protection.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new
2 section, to be known as section 407.1550, to read as follows:

407.1550. 1. As used in this section, these terms shall mean:

- 2 (1) "Consumer", any individual;
3 (2) "Consumer report", any written, oral, or other communication
4 of any information by a consumer reporting agency that bears in any
5 way upon a consumer's credit worthiness, credit standing, or credit
6 capacity;
7 (3) "Consumer reporting agency", any entity which, for monetary
8 fees, dues, or on a cooperative nonprofit basis, regularly engages in
9 whole or in part in the practice of assembling or evaluating consumer
10 credit information or other information on consumers for the purpose
11 of furnishing consumer reports to third parties.

12 2. Except as otherwise provided in this section, a consumer
13 reporting agency shall block the reporting of any information in the
14 file of a consumer that the consumer identifies as information that
15 resulted from an alleged identity theft, not later than four business
16 days after the date of receipt by such agency of:

- 17 (1) Appropriate proof of the identity of the consumer;
18 (2) A copy of an identity theft report;
19 (3) The identification of such information by the consumer; and
20 (4) A statement by the consumer that the information is not
21 information relating to any transaction by the consumer.

22 3. A consumer reporting agency shall promptly notify the
23 furnisher of information identified by the consumer under subsection
24 2 of this section:

- 25 (1) That the information may be a result of identity theft;
- 26 (2) That an identity theft report has been filed;
- 27 (3) That a block has been requested under this section; and
- 28 (4) Of the effective dates of the block.

29 4. A consumer reporting agency may decline to block, or may
30 rescind any block, of information relating to a consumer under this
31 section, if the consumer reporting agency reasonably determines that:

- 32 (1) The information was blocked in error or a block was
33 requested by the consumer in error;
- 34 (2) The information was blocked, or a block was requested by the
35 consumer, on the basis of a material misrepresentation of fact by the
36 consumer relevant to the request to block; or
- 37 (3) The consumer obtained possession of goods, services, or
38 money as a result of the blocked transaction or transactions.

39 5. If a block of information is declined or rescinded under
40 subsection 4 of this section, the affected consumer shall be notified
41 promptly, in the same manner as consumers are notified of the
42 reinsertion of information under 15 U.S.C. Section 1681i(a)(5)(B).

43 6. If a consumer reporting agency rescinds a block under
44 subsection 4 of this section, the presence of information in the file of
45 a consumer prior to the blocking of such information is not evidence of
46 whether the consumer knew or should have known that the consumer
47 obtained possession of any goods, services, or money as a result of the
48 block.

49 7. This section shall not apply to a consumer reporting agency,
50 if the consumer reporting agency:

- 51 (1) Is a reseller;
- 52 (2) Is not, at the time of the request of the consumer under
53 subsection 2 of this section, otherwise furnishing or reselling a
54 consumer report concerning the information identified by the
55 consumer; and
- 56 (3) Informs the consumer, by any means, that the consumer may
57 report the identity theft to the Federal Trade Commission to obtain
58 consumer information regarding identity theft.

59 8. The sole obligation of the consumer reporting agency under
60 this section, with regard to any request of a consumer under this
61 section, shall be to block the consumer report maintained by the
62 consumer reporting agency from any subsequent use if:

63 (1) The consumer, in accordance with the provisions of
64 subsection 2 of this section, identifies, to a consumer reporting agency,
65 information in the file of the consumer that resulted from identity
66 theft; and

67 (2) The consumer reporting agency is a reseller of the identified
68 information.

69 9. In carrying out its obligation under subsection 8 of this
70 section, the reseller shall promptly provide a notice to the consumer of
71 the decision to block the file. Such notice shall contain the name,
72 address, and telephone number of each consumer reporting agency
73 from which the consumer information was obtained for resale.

74 10. The provisions of this section shall not apply to a check
75 services company, acting as such, which issues authorizations for the
76 purpose of approving or processing negotiable instruments, electronic
77 fund transfers, or similar methods of payments, except that, beginning
78 four business days after receipt of information described in
79 subdivisions (1) to (3) of subsection 2 of this section, a check services
80 company shall not report to a national consumer reporting agency
81 described in 15 U.S.C. Section 1681a(p), any information identified in
82 the subject identity theft report as resulting from identity theft.

83 11. No provision of this section shall be construed as requiring
84 a consumer reporting agency to prevent a federal, state, or local law
85 enforcement agency from accessing blocked information in a consumer
86 file to which the agency could otherwise obtain access under 15 U.S.C.
87 Section 1681, et seq.

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