HB 1677 - AS INTRODUCED

2018 SESSION

18-2592
03/04

HOUSE BILL ***1677***

AN ACT relative to victims of identity theft.

SPONSORS: Rep. Butler, Carr. 7; Rep. Somssich, Rock. 27

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill allows persons notified of a security breach to exercise the rights of victims of identity theft under the credit freeze laws.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2592
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to victims of identity theft.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Security Freeze; Definitions; Victim of Identity Theft. Amend RSA 359-B:22 by inserting after paragraph III the following new paragraph:

IV. "Victim of identity theft" means individuals who have been the subject of identity theft or who have received a notice of a security breach pursuant to RSA 359-C:20.

2 Security Freeze; Notice to Consumers. Amend RSA 359-B:23 to read as follows:

359-B:23 Notice to Consumers.

[~~I.~~] Any time a consumer reporting agency is required to make a written disclosure to consumers pursuant to 15 U.S.C. section 1681g, it shall disclose, in at least 12-point type, and in bold type as indicated, the following notice:

NOTICE TO NEW HAMPSHIRE CONSUMERS

Right to Security Freeze on Consumer Credit Report

You have the right to place a "security freeze" on your credit report pursuant to RSA 359-B:24. Under New Hampshire law, what is commonly known as a credit report is referred to as a "consumer report." A security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. The security freeze must be requested in writing, by certified mail.

You may obtain a security freeze on your consumer report at no charge if you are a victim of identity theft and you submit a copy of the police report, investigative report, or complaint that you filed with a law enforcement agency about unlawful use of your personal information by another person***, or if you have received a notice of a security breach pursuant to RSA 359-C:20***.

The consumer reporting agency may ***not*** charge you a fee for the security freeze [~~if you are not a victim of identity theft~~].

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gains access to the personal and financial information in your consumer report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, internet credit card transaction, or other services, including an extension of credit at point of sale.

When you place a security freeze on your consumer report, within 10 business days you will be

provided a personal identification number or password to use if you choose to remove the freeze on your consumer report or authorize the release of your consumer report for a specific party or period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide all of the following:

(1) The unique personal identification number or password provided by the consumer reporting agency.

(2) Proper identification to verify your identity.

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

[~~(4) Payment of the applicable fee, if any.~~]

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a consumer report must comply with the request no later than 3 business days after receiving the request.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity with which you have an existing account that requests information in your consumer report for the purposes of reviewing or collecting the accounts, provided the use of your credit report is for a permissible purpose as provided by the federal Fair Credit Reporting Act. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have the right to bring a civil action against anyone who violates your rights under the credit reporting laws.

3 Security Freeze; Consumer. Amend RSA 359-B:24, I to read as follows:

I. A consumer may place a security freeze on his or her consumer report as follows:

(a) A consumer who has been the victim of identity theft***, including a person who has received a notice of a security breach pursuant to RSA 359-C:20,*** may place a security freeze on his or her consumer report by making a request ***by any method accepted by the consumer reporting agency, including*** in writing, by certified mail to a consumer reporting agency with ***either*** a valid copy of the police report, investigative report, or complaint the consumer has filed with a law enforcement agency about unlawful use of personal information by another person ***or a copy of the RSA 359-C:20 notice***. [~~In the case of a victim of identity theft,~~] A consumer reporting agency shall not charge a fee for placing, removing, or temporarily lifting for a specific party or period of time a security freeze on a consumer report.

(b) A consumer who has not been the victim of identity theft may place a security freeze on his or her consumer report by making a request in writing, by certified mail to a consumer reporting agency. A consumer reporting agency [~~may~~] ***shall not*** charge a fee [~~of no more than $10~~] to a consumer for [~~each~~] ***any*** freeze, removal of a freeze, or temporary lift of a freeze for a period of time or specific party or for reissuing the same or a new personal identification number if the consumer fails to retain the original personal identification number provided by the agency.

4 Access to Consumer Report. Amend RSA 359-B:27 to read as follows:

359-B:27 Victim of Identity Theft; Access to Consumer Report. Every consumer credit reporting agency shall, upon the receipt from a victim of identity theft of a police report, investigative report, or complaint the consumer has filed with a law enforcement agency about unlawful use of personal information by another person, ***or a copy of the notice from a person who has received a notice of a security breach pursuant to RSA 359-C:20,*** provide the victim, free of charge and upon request, a copy of his or her consumer report and such additional copies of the consumer report as he or she may be entitled to under the Fair Credit Reporting Act, 15 U.S.C. section 1681 et seq.

5 New Paragraph; Notification of Security Breach; Right to Security Freeze. Amend RSA 359-C:20 by inserting after paragraph VI the following new paragraph:

VII. Any notice issued to affected individuals pursuant to this section shall include Notice To New Hampshire Consumers Right to Security Freeze on Consumer Credit Report contained in RSA 359-B:23. Such notice shall be written in at least 12-point font size.

6 Repeal. The following are repealed:

I. RSA 359-B:24, V(d), relative to temporary lifting of security freeze fees.

II. RSA 359-B:24, XI(c), relative to security freeze removal fees.

7 Effective Date. This act shall take effect 60 days after its passage.