

JAN 19 2018

A BILL FOR AN ACT

RELATING TO SECURITY FREEZES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 489P-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any consumer who is a resident of this State may
4 place a security freeze on the consumer's credit report. A
5 consumer credit reporting agency shall not charge ~~[a victim of~~
6 ~~identity theft]~~ a fee for placing, lifting, or removing a
7 security freeze on a credit report ~~[but may charge any other~~
8 ~~consumer a fee not to exceed \$5 for each request by the consumer~~
9 ~~to place, lift, or remove a security freeze from the consumer's~~
10 ~~credit report]~~.

11 A consumer who is a resident of this State and has been the
12 victim of identity theft may place a security freeze on the
13 consumer's credit report by making a request in writing by
14 certified mail to a consumer credit reporting agency, at an
15 address designated by the agency to receive such requests, with
16 a valid copy of a police report, investigative report, or
17 complaint the consumer has filed with a law enforcement agency



1 about unlawful use of the consumer's personal information by
2 another person. A consumer who has not been the victim of
3 identity theft may place a security freeze on the consumer's
4 credit report by making a request in writing by certified mail
5 to a consumer credit reporting agency.

6 A security freeze shall prohibit the consumer credit
7 reporting agency from releasing the consumer's credit report or
8 any information from it without the express authorization of the
9 consumer. This subsection shall not prevent a consumer credit
10 reporting agency from advising a third party that a security
11 freeze is in effect with respect to the consumer's credit
12 report."

13 SECTION 2. Section 489P-3.5, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending subsection (a) to read:

16 "(a) A consumer credit reporting agency shall place a
17 security freeze on a protected consumer's credit report or
18 records if:

19 (1) The consumer credit reporting agency receives a
20 request from the protected consumer's representative



1 for the placement of the security freeze under this
2 section; and

3 (2) The protected consumer's representative:

4 (A) Submits the request to the consumer credit
5 reporting agency at the address or other point of
6 contact specified by the consumer credit
7 reporting agency;

8 (B) Provides to the consumer credit reporting agency
9 sufficient proof of identification of the
10 protected consumer and the protected consumer's
11 representative; and

12 (C) Provides to the consumer credit reporting agency
13 sufficient proof of authority to act on behalf of
14 the protected consumer[~~;~~ and

15 ~~(D) Pays to the consumer credit reporting agency a~~
16 ~~fee as provided in subsection (h)]."~~

17 2. By amending subsection (f) to read:

18 "(f) If a protected consumer or a protected consumer's
19 representative wishes to remove a security freeze for the
20 protected consumer, the protected consumer or the protected
21 consumer's representative shall:



(1) Submit a request for the removal of the security freeze to the consumer credit reporting agency at the address or other point of contact specified by the consumer credit reporting agency; and

(2) Provide to the consumer credit reporting agency:

(A) In the case of a request by the protected consumer:

(i) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and

(ii) Sufficient proof of identification of the protected consumer; or

(B) In the case of a request by the representative of a protected consumer:

(i) Sufficient proof of identification of the protected consumer and the representative; and

(ii) Sufficient proof of authority to act on behalf of the protected consumer~~[, and~~



1 ~~(3) Pay to the consumer credit reporting agency a fee as~~
2 ~~provided in subsection (h)] ."~~

3 3. By amending subsection (h) to read:

4 "(h) A consumer credit reporting agency ~~[may charge a~~
5 ~~reasonable fee, not to exceed \$5, for each]~~ shall not charge a
6 fee for the placement or removal of a security freeze for a
7 protected consumer ~~[; provided that a consumer credit reporting~~
8 ~~agency shall not charge a fee under this section if:~~

9 ~~(1) The protected consumer's representative has a valid~~
10 ~~copy of a police report, investigative report, or~~
11 ~~complaint which the protected consumer or the~~
12 ~~protected consumer's representative has filed with a~~
13 ~~law enforcement agency regarding the unlawful use of~~
14 ~~the protected consumer's personal information by~~
15 ~~another person, and provides a copy of the report to~~
16 ~~the consumer credit reporting agency; or~~

17 ~~(2) A request for the placement or removal of a security~~
18 ~~freeze is for a protected consumer who is under the~~
19 ~~age of sixteen at the time of the request and the~~
20 ~~consumer credit reporting agency has a credit report~~
21 ~~pertaining to the protected consumer] ."~~



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
4

INTRODUCED BY: ~~SEN. DC~~ *[Signature]*

[Signature]

[Signature]

[Signature]



S.B. NO. 2618

Report Title:

Security Freezes; Consumer Credit Reporting Agencies; Consumers;
Protected Consumers

Description:

Specifies that a consumer credit reporting agency shall not charge a fee for placing, lifting, or removing a security freeze on a consumer's credit report or for placing or removing a security freeze on a protected consumer's credit report or records.

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