

SENATE BILL NO. 228

BY SENATOR DUPLESSIS AND REPRESENTATIVES ARNOLD, AUSTIN BADON, BARROW, BROSSETT, BURRELL, DIXON, DOVE, GUINN, KATZ, LABRUZZO, NORTON, RICHMOND, ROY, GARY SMITH, STIAES, THIERRY, WILLIAMS AND WILLMOTT

1 AN ACT

2 To amend and reenact R.S. 9:3571.1(M), (N), (O), (R) (introductory paragraph), (S), and (U)  
3 (introductory paragraph), and to enact R.S. 9:3571.1(Z), relative to credit reporting  
4 agency information and reports; to provide for methods a consumer may use to place  
5 a security freeze on his credit report; to provide for the credit reporting agency's  
6 obligation to freeze the report upon request; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:3571.1(M), (N), (O), (R) (introductory paragraph), (S), and (U)  
9 (introductory paragraph), are hereby amended and reenacted and R.S. 9:3571.1(Z) is hereby  
10 enacted to read as follows:

11 §3571.1. Credit reporting agency information and reports; consumer access to files;  
12 right of correction; dissemination or maintenance of untrue or  
13 misleading credit information by credit reporting agency;  
14 investigation; right to recovery

15 \* \* \*

16 M.(1) A consumer may elect to place a security freeze on his credit report  
17 by **any of the following methods:**

18 **(a) By** written request, sent by **standard or** certified mail, that includes clear  
19 and proper identification, to a credit reporting agency.

20 **(b) Telephone call.**

21 **(c) Electronically by secure website.**

22 **(2)** A credit reporting agency shall place a security freeze on a consumer's  
23 credit report no later than ~~ten~~ **five** business days after receiving a written request for  
24 the security freeze from the consumer **by mail. A credit reporting agency that**  
25 **receives such a request electronically by secure website or by telephone shall**

1 comply with the request within twenty-four hours of receiving the request.

2 ~~(2)~~ (3) When a security freeze is in place, information from a consumer's  
3 credit report shall not be released to a third party without prior express authorization  
4 from the consumer. This Subsection does not prevent a credit reporting agency from  
5 advising a third party that a security freeze is in effect with respect to the consumer's  
6 credit report.

7 N. The credit reporting agency shall, no later than ~~ten~~ five business days  
8 after the date the agency receives the request for a security freeze, provide the  
9 consumer with a unique personal identification number or password to be used by  
10 the consumer when providing authorization for the access to his credit file for a  
11 specific period of time. In addition, the credit reporting agency shall simultaneously  
12 provide to the consumer in writing the process of placing, removing, and temporarily  
13 lifting a security freeze and the process for allowing access to information from the  
14 consumer's credit file for a specific period while the security freeze is in effect.

15 O. A consumer may request ~~in writing~~ a replacement personal identification  
16 number or password. The request ~~must~~ shall comply with the requirements for  
17 requesting a security freeze under Subsection M of this Section. The credit reporting  
18 agency shall, not later than the ~~seventh~~ fifth business day after the date the agency  
19 receives the request for a replacement personal identification number or password,  
20 provide the consumer with a new, unique personal identification number or password  
21 to be used by the consumer instead of the number or password that was provided  
22 under Subsection N of this Section.

23 \* \* \*

24 R. If the consumer wishes to allow his credit report or score to be accessed  
25 for a specific period of time while a freeze is in place, he shall contact the credit  
26 reporting agency by a method provided for in Subsection M of this Section and  
27 request that the freeze be temporarily lifted, and provide the following:

28 \* \* \*

29 S. A credit reporting agency that receives a request by mail from a consumer  
30 to temporarily lift a freeze on a credit report pursuant to Subsection R of this Section

1 shall comply with the request no later than three business days after receiving the  
 2 request. A credit reporting agency ~~may develop procedures involving the use of~~  
 3 ~~telephone, fax, the Internet, or other electronic media to receive and process a request~~  
 4 ~~from a consumer to temporarily lift a freeze on a credit report or score pursuant to~~  
 5 ~~Subsection R in an expedited manner~~ **that receives such a request electronically**  
 6 **by secure website or by telephone shall comply with the request within twenty-**  
 7 **four hours of receiving the request.**

8 \* \* \*

9 U. A security freeze shall remain in place until the consumer requests that  
 10 the security freeze be **temporarily lifted for a specific period of time or** removed.  
 11 A credit reporting agency shall remove a security freeze within three business days  
 12 of receiving a **written** request for removal from the consumer **or within twenty-four**  
 13 **hours of receiving an electronic request by secure website or telephonic request**  
 14 **for removal from the consumer,** who provides both of the following:

15 \* \* \*

16 **Z. A credit reporting agency is not required to place, remove, or**  
 17 **temporarily lift a security freeze within the time periods provided in this**  
 18 **Section, only for such time as the occurrences prevent compliance, if any of the**  
 19 **following occurrences apply:**

20 **(a) The consumer fails to provide information required by this Section**  
 21 **or commits or attempts to commit a fraud or misrepresentation.**

22 **(b) The credit reporting agency's ability to place, remove, or temporarily**  
 23 **lift the security freeze is prevented by any of the following circumstances:**

24 **(i) An act of God, including fire, earthquakes, hurricanes, storms, or**  
 25 **similar natural disaster or phenomena.**

26 **(ii) Unauthorized or illegal acts by a third party, including terrorism,**  
 27 **sabotage, riot, vandalism, labor strikes or disputes disrupting operations, or**  
 28 **similar occurrence.**

29 **(iii) Operational interruption, including electrical failure, unanticipated**  
 30 **delay in equipment or replacement part delivery, computer hardware or**

1 software failures inhibiting response time, or similar disruption.

2 (iv) Governmental action, including emergency orders or regulations,  
3 judicial or law enforcement action, or similar directives.

4 (v) Regularly scheduled maintenance, during other than normal  
5 business hours, of, or updates to, the credit reporting agency's systems.

6 (vi) Commercially reasonable maintenance of, or repair to, the credit  
7 reporting agency's systems that is unexpected or unscheduled.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_