

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2411

(SENATE AUTHORS: FRANZEN and Sparks)

DATE
05/19/2017

D-PG

OFFICIAL STATUS
Introduction and first reading
Referred to Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to commerce; restricting the release of credit information about certain
1.3 protected individuals; proposing coding for new law in Minnesota Statutes, chapter
1.4 13C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[13C.035] SECURITY FREEZE FOR PROTECTED CONSUMERS.**

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings provided.

1.9 (b) "Protected consumer" means an individual who is one of the following:

1.10 (1) under the age of 18 years at the time a request for the placement of a security freeze
1.11 is made under subdivision 2, paragraph (a); or

1.12 (2) an individual for whom a guardian or conservator has been appointed.

1.13 (c) "Record" means a compilation of information about a protected consumer that satisfies
1.14 all of the following:

1.15 (1) the compilation identifies the protected consumer; and

1.16 (2) the compilation is created by a consumer reporting agency solely for the purpose of
1.17 complying with this section.

1.18 (d) "Representative" means a person who provides to a consumer reporting agency
1.19 sufficient proof of authority to act on behalf of a protected consumer.

1.20 (e) "Security freeze for a protected consumer" means one of the following:

2.1 (1) if a consumer reporting agency does not have a file pertaining to a protected consumer,
2.2 a restriction placed on the protected consumer's record that prohibits, except as provided in
2.3 this section, the consumer reporting agency from releasing the protected consumer's record;
2.4 or

2.5 (2) if a consumer reporting agency has a file pertaining to the protected consumer, a
2.6 restriction placed on the protected consumer's credit report that prohibits, except as provided
2.7 in this section, the consumer reporting agency from releasing the protected consumer's credit
2.8 report or any information derived from the protected consumer's credit report.

2.9 (f) "Sufficient proof of authority" means documentation that shows a representative has
2.10 authority to act on behalf of a protected consumer, including any of the following:

2.11 (1) an order issued by a court;

2.12 (2) a lawfully executed and valid power of attorney; or

2.13 (3) a written, notarized statement signed by a representative that expressly describes the
2.14 authority of the representative to act on behalf of a protected consumer.

2.15 (g) "Sufficient proof of identification" means information or documentation that identifies
2.16 a protected consumer or a representative of a protected consumer, including any of the
2.17 following:

2.18 (1) a Social Security number or a copy of a Social Security card issued by the Social
2.19 Security Administration;

2.20 (2) a certified or official copy of a birth certificate issued by the entity authorized to
2.21 issue the birth certificate; or

2.22 (3) a copy of a driver's license issued under Minnesota law or under a comparable law
2.23 of another state, an identification card issued under Minnesota law or under a comparable
2.24 law of another state, or any other government issued identification.

2.25 Subd. 2. **Placement of security freeze.** (a) A consumer reporting agency shall place a
2.26 security freeze for a protected consumer if the consumer reporting agency receives a request
2.27 from the protected consumer's representative for the placement of the security freeze and
2.28 the protected consumer's representative does all of the following:

2.29 (1) submits the request to the consumer reporting agency at the address or other point
2.30 of contact and in the manner specified by the consumer reporting agency;

2.31 (2) provides to the consumer reporting agency sufficient proof of identification of the
2.32 protected consumer and the representative;

3.1 (3) provides to the consumer reporting agency sufficient proof of authority to act on
3.2 behalf of the protected consumer; and

3.3 (4) pays to the consumer reporting agency a fee as provided in subdivision 4.

3.4 (b) If a consumer reporting agency does not have a file pertaining to a protected consumer
3.5 when the consumer reporting agency receives a request under paragraph (a), the consumer
3.6 reporting agency shall create a record for the protected consumer. Upon receiving the request,
3.7 the consumer reporting agency shall verify that no file pertains to the protected consumer
3.8 by checking for existing files relating to the protected consumer's name and Social Security
3.9 number and for existing files relating only to the protected consumer's Social Security
3.10 number. A record created under this paragraph may not be used to consider the protected
3.11 consumer's creditworthiness, credit standing, credit capacity, character, general reputation,
3.12 personal characteristics, or mode of living.

3.13 (c) Within 30 days after receiving a request that meets the requirements of paragraph
3.14 (a), a consumer reporting agency shall place a security freeze for the protected consumer.

3.15 (d) Unless a security freeze for a protected consumer is removed in accordance with
3.16 subdivision 3 or 5, a consumer reporting agency may not release the protected consumer's
3.17 credit report, any information derived from the protected consumer's credit report, or any
3.18 record created for the protected consumer.

3.19 (e) A security freeze for a protected consumer placed under paragraph (c) remains in
3.20 effect until one of the following occurs:

3.21 (1) the protected consumer or the protected consumer's representative requests the
3.22 consumer reporting agency to remove the security freeze in accordance with subdivision
3.23 3; or

3.24 (2) the security freeze is removed in accordance with subdivision 5.

3.25 **Subd. 3. Removal of security freeze.** (a) If a protected consumer or a protected
3.26 consumer's representative wishes to remove a security freeze for the protected consumer,
3.27 the protected consumer or the protected consumer's representative shall do all of the
3.28 following:

3.29 (1) submit a request for the removal of the security freeze to the consumer reporting
3.30 agency at the address or other point of contact and in the manner specified by the consumer
3.31 reporting agency;

3.32 (2) provide to the consumer reporting agency sufficient proof of identification of the
3.33 protected consumer and one of the following:

4.1 (i) for a request by the protected consumer, proof that the sufficient proof of authority
4.2 for the protected consumer's representative to act on behalf of the protected consumer is no
4.3 longer valid; or

4.4 (ii) for a request by the representative of the protected consumer, sufficient proof of
4.5 identification of the representative and sufficient proof of authority to act on behalf of the
4.6 protected consumer; and

4.7 (3) pay to the consumer reporting agency a fee as provided in subdivision 4.

4.8 (b) Within 30 days after receiving a request that meets the requirements of paragraph
4.9 (a), the consumer reporting agency shall remove the security freeze for the protected
4.10 consumer.

4.11 Subd. 4. Fees. (a) Except as provided in paragraph (b), a consumer reporting agency
4.12 may not charge a fee for any service performed under this section.

4.13 (b) A consumer reporting agency may charge a reasonable fee, not exceeding \$10, for
4.14 each placement or removal of a security freeze for a protected consumer.

4.15 (c) Notwithstanding paragraph (b), a consumer reporting agency may not charge any
4.16 fee under this section if any of the following applies:

4.17 (1) the protected consumer's representative has obtained a police report or affidavit of
4.18 alleged identity fraud against the protected consumer and provides a copy of the report or
4.19 affidavit to the consumer reporting agency; or

4.20 (2) a request for the placement or removal of a security freeze is for a protected consumer
4.21 who is under the age of 18 years at the time of the request and the consumer reporting agency
4.22 has a file pertaining to the protected consumer.

4.23 Subd. 5. Material misrepresentations. A consumer reporting agency may remove a
4.24 security freeze for a protected consumer or delete a record of a protected consumer if the
4.25 security freeze was placed or the record was created based on a material misrepresentation
4.26 of fact by the protected consumer or the protected consumer's representative.

4.27 **EFFECTIVE DATE.** This section is effective August 1, 2017.