

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 801

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUPP.

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

Read 2nd time January 25, 2010, and referred to the Committee on Commerce, Consumer Protection, Energy and the Environment.

Reported from the Committee February 18, 2010, with recommendation that the bill do pass.

Taken up for Perfection March 1, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4330S.01P

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## AN ACT

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

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*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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