

SENATE BILL NO. 60

INTRODUCED BY K. GILLAN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DEFINITION OF "CONSUMER" IN ORDER TO ALLOW A PARENT OR GUARDIAN TO REQUEST A SECURITY FREEZE FOR A MINOR OR AN INCAPACITATED PERSON WITH RESPECT TO CREDIT REPORTS; AND AMENDING SECTION 30-14-1726, MCA."

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

Section 1. Section 30-14-1726, MCA, is amended to read:

"30-14-1726. Definitions. As used in 30-14-1726 through 30-14-1736, the following definitions apply:

(1) "Consumer" means an individual or a parent or guardian in the case of a minor or of an incapacitated person as defined in 72-5-101.

(2) "Consumer reporting agency" means any person that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information on consumers for the purpose of furnishing credit reports to a third party and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing credit reports.

(3) "Credit report" means any written, oral, or other communication of any information by a consumer reporting agency:

(a) bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living; and

(b) that is used or expected to be used in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for:

(i) credit to be used primarily for personal, family, or household purposes;

(ii) employment purposes; or

(iii) any other purpose authorized under 15 U.S.C. 1681(b).

(4) "Person" means an individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

- 1 (5) "Proper identification" means information sufficient to verify identity.
- 2 (6) "Reviewing the account" or "account review" includes activities related to account maintenance,
3 monitoring, credit line increases, and account upgrades and enhancements.
- 4 (7) (a) "Security freeze" means a notice that:
- 5 (i) is placed in a consumer's credit report at the request of the consumer;
- 6 (ii) is subject to exceptions and exemptions provided in 30-14-1734;
- 7 (iii) prohibits the consumer reporting agency from releasing all or any part of the consumer's credit report
8 or credit score without the express authorization of the consumer, as provided in 30-14-1729.
- 9 (b) A security freeze does not prevent a consumer reporting agency from advising a third party that a
10 security freeze is in effect with respect to the consumer's credit report."

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