

CONSUMER REPORTING AGENCY FEES

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Todd Weiler

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

General Description:

This bill modifies and enacts provisions of the Consumer Credit Protection Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the fee that a consumer reporting agency may charge in connection with placing or removing a security freeze;
- ▶ prohibits a consumer reporting agency from charging a fee in connection with placing or removing a security freeze for certain age groups; and
- ▶ prohibits a consumer reporting agency from charging a fee in connection with a consumer reporting agency's credit lock application.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-45-204, as enacted by Laws of Utah 2006, Chapter 344



28 ENACTS:

29 **13-45-206**, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **13-45-204** is amended to read:

33 **13-45-204. Fees for security freeze.**

34 (1) Except as provided in [~~Subsection (2)~~] Subsections (2) and (3), a consumer
35 reporting agency may charge a [~~reasonable~~] fee of no more than \$5 to a consumer for:

- 36 (a) placing [~~and~~] a security freeze;
- 37 (b) temporarily removing a security freeze[~~;~~]; or
- 38 (c) permanently removing a security freeze.

39 (2) A consumer reporting agency may not charge a fee to a consumer for:

- 40 (a) placing a security freeze for the consumer for the first time in a calendar year;
- 41 (b) temporarily removing a security freeze for the consumer for the first time in a
42 calendar year; or

- 43 (c) permanently removing a security freeze for the consumer for the first time in a
44 calendar year.

45 [~~(2)~~] (3) A consumer reporting agency may not charge a fee for placing [~~or~~] a security
46 freeze, temporarily removing a security freeze, or permanently removing a security freeze if the
47 consumer:

- 48 (a) is less than 18 years of age;
- 49 (b) is 60 years of age or older; or
- 50 [~~(a) the consumer~~] (c) (i) is a victim of identity fraud under Section 76-6-1102; and
- 51 [~~(b) the consumer~~] (ii) provides the consumer reporting agency with a valid copy of a
52 police report or police case number documenting the identity fraud.

53 Section 2. Section **13-45-206** is enacted to read:

54 **13-45-206. Fees for mobile application.**

55 (1) As used in this section:

- 56 (a) (i) "Credit lock" means a prohibition on a consumer reporting agency's furnishing
57 of a consumer credit report to a third party intending to use the credit report to determine the
58 consumer's eligibility for credit.

- 59 (ii) "Credit lock" does not include a security freeze.
- 60 (b) "Credit lock application" means a mobile application through which a consumer
- 61 may place or remove a credit lock.
- 62 (2) A consumer reporting agency may not charge a fee to:
- 63 (a) download or install a credit lock application; or
- 64 (b) place or remove a credit lock through a credit lock application.
-
-

Legislative Review Note
Office of Legislative Research and General Counsel