

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 177

FINAL READING

Introduced by Lathrop, 12.

Read first time January 12, 2009

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Credit Report Protection Act; to amend
2 sections 8-2602, 8-2607, and 8-2609, Reissue Revised
3 Statutes of Nebraska; to define a term; to change
4 provisions relating to security freezes; and to repeal
5 the original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 8-2602, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 8-2602 For purposes of the Credit Report Protection Act:

4 (1) Consumer reporting agency means any person which,
5 for monetary fees, for dues, or on a cooperative nonprofit basis,
6 regularly engages in whole or in part in the practice of assembling
7 or evaluating consumer credit information or other information on
8 consumers for the purpose of furnishing consumer reports to third
9 parties and which uses any means or facility of interstate commerce
10 for the purpose of preparing or furnishing consumer reports;

11 (2) File, when used in connection with information on any
12 consumer, means all of the information on that consumer recorded
13 and retained by a consumer reporting agency regardless of how the
14 information is stored;

15 (3) Minor means a person who is under nineteen years of
16 age;

17 ~~(3)~~ (4) Security freeze means a notice placed in a
18 consumer's file as provided in section 8-2603 that prohibits the
19 consumer reporting agency from releasing a credit report, or any
20 other information derived from the file, in connection with the
21 extension of credit or the opening of a new account, without the
22 express authorization of the consumer; and

23 ~~(4)~~ (5) Victim of identity theft means a consumer who has
24 a copy of an official police report evidencing that the consumer
25 has alleged to be a victim of identity theft.

1 Sec. 2. Section 8-2607, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 8-2607 (1) A security freeze shall remain in place,
4 subject to being put on hold or temporarily lifted as otherwise
5 provided in this section, until ~~the earlier of the date that the~~
6 consumer reporting agency receives a request from the consumer to
7 remove the freeze under section 8-2608, ~~or seven years after the~~
8 ~~date the security freeze was put in place.~~

9 (2) A consumer reporting agency may place a hold on a
10 file due to a material misrepresentation of fact by the consumer.
11 When a consumer reporting agency intends to release a hold on a
12 file, the consumer reporting agency shall notify the consumer in
13 writing three business days prior to releasing the hold on the
14 file.

15 (3) A consumer reporting agency shall temporarily lift
16 a security freeze only upon request by the consumer under section
17 8-2606.

18 (4) A consumer reporting agency shall remove a security
19 freeze upon ~~the earlier of the date that the consumer reporting~~
20 agency receives a request from the consumer to remove the freeze
21 under section 8-2608, ~~or seven years after the date the security~~
22 ~~freeze was put in place.~~

23 Sec. 3. Section 8-2609, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 8-2609 (1) A consumer reporting agency may charge a

1 fee of ~~fifteen~~ three dollars for placing, temporarily lifting, or
2 removing a security freeze unless:

3 (a) The consumer is a minor; or

4 (b) (i) The consumer is a victim of identity theft; and

5 (ii) The consumer provides the consumer reporting agency
6 with a copy of an official police report documenting the identity
7 theft.

8 (2) A consumer reporting agency shall reissue the same
9 or a new personal identification number or password required under
10 section 8-2605 one time without charge and may charge a fee of no
11 more than five dollars for subsequent reissuance of the personal
12 identification number or password.

13 Sec. 4. Original sections 8-2602, 8-2607, and 8-2609,
14 Reissue Revised Statutes of Nebraska, are repealed.