

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 177**

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 fee

1 of ~~fifteen~~ five dollars for placing a security freeze unless:

2 (a) The consumer is a minor; or

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

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

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

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13 Reissue Revised Statutes of Nebraska, are repealed.