

SUBSTITUTE FOR  
HOUSE BILL NO. 6102

A bill to amend 2004 PA 452, entitled  
"Identity theft protection act,"  
(MCL 445.61 to 445.77) by adding section 12c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 12C. (1) WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE  
2        AMENDATORY ACT THAT ADDED THIS SECTION, EACH QUALIFIED PERSON SHALL  
3        ESTABLISH A WRITTEN IDENTITY THEFT PREVENTION PROGRAM THAT MEETS  
4        ALL OF THE FOLLOWING:

5        (A) INCLUDES REASONABLE POLICIES AND PROCEDURES FOR DETECTING,  
6        PREVENTING, AND MITIGATING IDENTITY THEFT.

7        (B) IDENTIFIES SPECIFIC ACTIVITIES THAT INDICATE THE POSSIBLE  
8        EXISTENCE OF IDENTITY THEFT AND ADDRESSES THOSE ACTIVITIES IN THE  
9        PROGRAM.

House Bill No. 6102 (H-1) as amended June 24, 2008

(C) DETECTS THE ACTIVITIES DESCRIBED IN SUBDIVISION (B).

(D) RESPONDS TO THE ACTIVITIES DESCRIBED IN SUBDIVISION (B) IN ORDER TO MITIGATE THE ADVERSE EFFECTS OF IDENTITY THEFT.

(E) TRAINS STAFF TO EFFECTIVELY IMPLEMENT THE PROGRAM.

(F) ENSURES THAT THE PROGRAM IS PERIODICALLY REVIEWED TO IDENTIFY, DETECT, AND RESPOND TO NEW AND EMERGING PRACTICES THAT INCREASE THE RISK OF IDENTITY THEFT.

(2) A QUALIFIED PERSON THAT IS SUBJECT TO AND COMPLIES WITH THE JOINT FINAL RULES AND GUIDELINES CONCERNING IDENTITY THEFT RED FLAGS AND ADDRESS DISCREPANCIES UNDER THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003, 72 FR 217, P. 63718 (NOVEMBER 9, 2007) IS NOT REQUIRED TO COMPLY WITH SUBSECTION (1).

[(3) A STATE OR FEDERAL COURT, A POLITICAL SUBDIVISION OF THIS STATE, OR A STATE OR FEDERAL DEPARTMENT OR AGENCY IS NOT REQUIRED TO COMPLY WITH SUBSECTION (1).

(4)] AS USED IN THIS SECTION:

(A) "COVERED ACCOUNT" MEANS THAT TERM AS DEFINED IN 16 CFR 681.2.

(B) "QUALIFIED PERSON" MEANS A PERSON THAT MEETS BOTH OF THE FOLLOWING:

(i) HAS MORE THAN 50 EMPLOYEES.

(ii) IS ENGAGED IN EXTENDING CREDIT IN THE FORM OF COVERED ACCOUNTS TO RESIDENTS OF THIS STATE.

Enacting section 1. This amendatory act takes effect November 1, 2008.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 6099.

(b) House Bill No. 6100.

- 1 (c) House Bill No. 6101.
- 2 (d) House Bill No. 6103.
- 3 (e) House Bill No. 6104.
- 4 (f) House Bill No. 6105.