

HOUSE BILL No. 6104

May 8, 2008, Introduced by Rep. Palmer and referred to the Committee on Judiciary.

A bill to amend 2004 PA 452, entitled
"Identity theft protection act,"
(MCL 445.61 to 445.77) by adding section 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 14. (1) THE IDENTITY THEFT PROTECTION COMMISSION IS
2 ESTABLISHED IN THE DEPARTMENT OF ATTORNEY GENERAL.

3 (2) THE IDENTITY THEFT COMMISSION SHALL CONSIST OF 7 MEMBERS
4 AS FOLLOWS:

5 (A) THE ATTORNEY GENERAL OR HIS OR HER DESIGNATED
6 REPRESENTATIVE, WHO SHALL SERVE AS CHAIRPERSON OF THE COMMISSION.

7 (B) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
8 HER DESIGNATED REPRESENTATIVE.

9 (C) THE COMMISSIONER OF THE OFFICE OF FINANCIAL AND INSURANCE

1 REGULATION OR HIS OR HER DESIGNATED REPRESENTATIVE.

2 (D) THREE MEMBERS OF THE GENERAL PUBLIC TO REPRESENT THE
3 INTERESTS OF CONSUMERS, 1 MEMBER APPOINTED BY THE GOVERNOR, 1
4 MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
5 AND 1 MEMBER APPOINTED BY THE MAJORITY LEADER OF THE SENATE. THE
6 MEMBERS APPOINTED UNDER THIS SUBDIVISION MUST HAVE EXPERTISE
7 RELATING TO IDENTITY THEFT PROTECTION AND PREVENTION. A MEMBER
8 DESCRIBED IN THIS SUBDIVISION SHALL SERVE FOR A TERM OF 2 YEARS.

9 (E) A DESIGNATED REPRESENTATIVE OF THE EAST CENTRAL REGION OF
10 THE FEDERAL TRADE COMMISSION, IF THE COMMISSION ELECTS TO
11 PARTICIPATE.

12 (3) THE IDENTITY THEFT COMMISSION SHALL DO ALL OF THE
13 FOLLOWING:

14 (A) ORGANIZE AND ADOPT STANDARDS GOVERNING THE COMMISSION'S
15 FORMAL AND INFORMAL PROCEDURES.

16 (B) MEET AT LEAST 6 TIMES PER YEAR AT A PLACE AND TIME
17 SPECIFIED BY THE CHAIRPERSON.

18 (C) KEEP A RECORD OF THE PROCEEDINGS AND ACTIVITIES OF THE
19 COMMISSION.

20 (D) REVIEW AND PROVIDE RECOMMENDATIONS TO THE GOVERNOR
21 CONCERNING STATE RULES, GUIDELINES, OR PROCEDURES RELATED TO
22 IDENTITY THEFT PROTECTION AND PREVENTION.

23 (E) REVIEW AND PROVIDE RECOMMENDATIONS TO THE LEGISLATURE
24 CONCERNING LEGISLATIVE ACTION RELATED TO IDENTITY THEFT PROTECTION
25 AND PREVENTION.

26 (F) PROVIDE RECOMMENDATIONS TO THE PUBLIC CONCERNING BUSINESS
27 PRACTICES RELATED TO IDENTITY THEFT PROTECTION AND PREVENTION.

1 (G) REVIEW AND COMPILE A LIST OF THE AGENCIES AND DEPARTMENTS
2 IN STATE GOVERNMENT THAT COLLECT OR RETAIN SOCIAL SECURITY NUMBERS
3 AND PROVIDE RECOMMENDATIONS TO THE DEPARTMENT OF MANAGEMENT AND
4 BUDGET ON REDUCING THE USE OF SOCIAL SECURITY NUMBERS BY THOSE
5 AGENCIES OR DEPARTMENTS.

6 (H) MAKE RECOMMENDATIONS TO CONGRESS CONCERNING LEGISLATIVE
7 ACTION RELATED TO IDENTITY THEFT PROTECTION AND PREVENTION,
8 INCLUDING, BUT NOT LIMITED TO, RECOMMENDATIONS CONCERNING ANY OF
9 THE FOLLOWING:

10 (i) UPDATING TIME FRAMES FOR THE DISCOVERY AND REPORTING OF
11 IDENTITY THEFT BY THE VICTIM TO REFLECT THE ACTUAL DISCOVERY OF THE
12 THEFT AS OPPOSED TO WHEN THE THEFT ACTUALLY OCCURRED.

13 (ii) CLARIFYING CREDITORS' RESPONSIBILITIES AND DUTIES TO PROVE
14 THAT A DEBT WAS RIGHTLY INCURRED BY THE VICTIM OF IDENTITY THEFT.

15 (iii) REFORMING THE COLLECTION PRACTICES OF DISCHARGED DEBTS BY
16 THIRD-PARTY COLLECTION FIRMS.

17 (I) ACT AS A LIAISON BETWEEN THE FEDERAL GOVERNMENT AND THIS
18 STATE CONCERNING IDENTITY THEFT ISSUES AND LEGISLATIVE
19 RECOMMENDATIONS.

20 (J) ESTABLISH A PROCESS FOR RECOGNIZING PERSONS OR AGENCIES
21 THAT HAVE EXEMPLARY BUSINESS PRACTICES IN IDENTITY THEFT PROTECTION
22 AND PREVENTION.

23 (K) PERFORM ANY OTHER DUTIES THE COMMISSION DETERMINES ARE
24 APPROPRIATE RELATED TO IDENTITY THEFT PROTECTION AND PREVENTION.

25 (4) A MAJORITY OF THE MEMBERS OF THE IDENTITY THEFT COMMISSION
26 CONSTITUTE A QUORUM FOR THE PURPOSE OF CONDUCTING BUSINESS AND
27 EXERCISING THE POWERS OF THE IDENTITY THEFT COMMISSION. OFFICIAL

1 ACTION OF THE IDENTITY THEFT COMMISSION MAY BE TAKEN UPON A VOTE OF
2 A MAJORITY OF THE MEMBERS OF THE IDENTITY THEFT COMMISSION.

3 (5) THE IDENTITY THEFT COMMISSION MAY ADOPT, AMEND, AND
4 RESCIND BYLAWS, RULES, AND REGULATIONS FOR THE CONDUCT OF ITS
5 BUSINESS.

6 (6) MEMBERS OF THE IDENTITY THEFT COMMISSION SHALL SERVE
7 WITHOUT COMPENSATION, BUT ARE ENTITLED TO ACTUAL AND NECESSARY
8 EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES UNDER THIS
9 SECTION.

10 (7) THE DEPARTMENT OF ATTORNEY GENERAL SHALL PROVIDE STAFF
11 ASSISTANCE TO THE IDENTITY THEFT COMMISSION AS NECESSARY TO CARRY
12 OUT THE COMMISSION'S DUTIES UNDER THIS SECTION.

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 94th Legislature are
15 enacted into law:

16 (a) Senate Bill No. ____ or House Bill No. 6099(request no.
17 05635'07).

18 (b) Senate Bill No. ____ or House Bill No. 6100(request no.
19 05636'07).

20 (c) Senate Bill No. ____ or House Bill No. 6101(request no.
21 05637'07).

22 (d) Senate Bill No. ____ or House Bill No. 6102(request no.
23 05638'07).

24 (e) Senate Bill No. ____ or House Bill No. 6103(request no.
25 05639'07).

26 (f) Senate Bill No. ____ or House Bill No. 6105(request no.
27 05980'07).

1 (g) Senate Bill No. _____ or House Bill No. 6106 (request no.
2 05981'07).

3 (h) Senate Bill No. _____ or House Bill No. 6107 (request no.
4 05982'07).