

HOUSE BILL No. 5055

October 3, 2017, Introduced by Rep. Lucido and referred to the Committee on Financial Services.

A bill to amend 2013 PA 229, entitled
"Security freeze act,"
by amending section 31 (MCL 445.2541).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31. (1) A consumer reporting agency may charge the
2 following fees:

3 (a) Subject to subsection (2), a fee that does not exceed
4 \$10.00 for the placement, temporary lifting, or removal of a
5 security freeze for a consumer under article 2.

6 (b) Subject to subsection (3), a fee that does not exceed
7 \$10.00 for the placement or removal of a security freeze for a
8 protected consumer under article 3, charged to a protected consumer
9 or his or her representative.

10 (2) A consumer reporting agency may not charge a fee

1 authorized under subsection (1)(a) to a consumer for the placement,
2 temporary lifting, or removal of a security freeze for a consumer
3 under article 2 if ~~the~~ **ANY OF THE FOLLOWING ARE MET:**

4 **(A) THE** consumer has filed a police report of alleged identity
5 theft against the consumer under section 4a, 33b, or 64a of the
6 William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL
7 780.754a, 780.783b, and 780.814a, and provides a copy of the report
8 to the consumer reporting agency.

9 **(B) THE CONSUMER HAS REQUESTED PLACEMENT OR REMOVAL OF A**
10 **SECURITY FREEZE IN CONNECTION WITH A SECURITY BREACH OF A DATABASE**
11 **MAINTAINED BY A CONSUMER REPORTING AGENCY.**

12 (3) A consumer reporting agency may not charge a fee
13 authorized under subsection (1)(b) if ~~either~~ **ANY** of the following
14 are met:

15 (a) The protected consumer or his or her representative has
16 filed a police report of alleged identity theft against the
17 protected consumer under section 4a, 33b, or 64a of the William Van
18 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.754a,
19 780.783b, and 780.814a, and provides a copy of the report to the
20 consumer reporting agency.

21 (b) The request for the placement or removal of a security
22 freeze is for a protected consumer who is under the age of 16 years
23 at the time of the request and the consumer reporting agency has a
24 credit report pertaining to the protected consumer.

25 **(C) THE PROTECTED CONSUMER OR HIS OR HER REPRESENTATIVE HAS**
26 **REQUESTED PLACEMENT OR REMOVAL OF A SECURITY FREEZE IN CONNECTION**
27 **WITH A SECURITY BREACH OF A DATABASE MAINTAINED BY A CONSUMER**

1 REPORTING AGENCY.

2 (4) AS USED IN THIS SECTION, "SECURITY BREACH" MEANS THAT TERM
3 AS DEFINED IN SECTION 3 OF THE IDENTITY THEFT PROTECTION ACT, 2004
4 PA 452, MCL 445.63.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.