

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0986.01 Jennifer Berman x3286

HOUSE BILL 18-1233

HOUSE SPONSORSHIP

Duran and Lawrence, Ransom

SENATE SPONSORSHIP

Fenberg and Gardner,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CONSUMER REPORTING AGENCY'S PLACEMENT OF A**
102 **SECURITY FREEZE ON THE CONSUMER REPORT OF A CONSUMER**
103 **WHO IS UNDER THE CHARGE OF A REPRESENTATIVE AT THE**
104 **REQUEST OF THE CONSUMER'S REPRESENTATIVE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 2 of the bill authorizes a parent or legal guardian (representative) to request that a consumer reporting agency place a security freeze on the consumer report of either a minor less than 16 years

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 15, 2018

HOUSE
Amended 2nd Reading
February 14, 2018

of age or another individual who is a ward of the representative (protected consumer). If the consumer reporting agency does not yet have a consumer report for the protected consumer at the time that a security freeze is requested, the consumer reporting agency is required to create a consumer record for the protected consumer and place a security freeze on the consumer record.

The protected consumer's representative may request that the consumer reporting agency temporarily lift the security freeze placed on the protected consumer's consumer report or record, lift the security freeze with respect to a specific third party, or permanently remove the security freeze. A protected consumer who demonstrates to the consumer reporting agency that his or her representative's appointment is no longer valid may have the security freeze removed.

A consumer reporting agency is not allowed to charge a fee for the placement, temporary lift, partial lift, or removal of a security freeze on a protected consumer's consumer report or record.

Section 3 requires consumer reporting agencies to provide a notice informing parents or other individuals serving as representatives that they may request a security freeze on the consumer report or record of their child or ward.

Section 1 defines the terms "protected consumer", "record", "representative", "sufficient proof of authority", and "sufficient proof of identification", and amends the definition of "security freeze".

Sections 4 through 7 make conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 5-18-103, **amend**
3 (15); and **add** (13.5), (13.7), (13.9), (16), and (17) as follows:

4 **5-18-103. Definitions.** As used in this article 18, unless the
5 context otherwise requires:

6 (13.5) "PROTECTED CONSUMER" MEANS A CONSUMER WHO, AT THE
7 TIME A SECURITY FREEZE REQUEST IS MADE, IS:

- 8 (a) UNDER SIXTEEN YEARS OF AGE; OR
9 (b) REPRESENTED BY A REPRESENTATIVE.

10 (13.7) "RECORD" MEANS A COMPILATION OF INFORMATION THAT:

- 11 (a) IDENTIFIES A PROTECTED CONSUMER;

1 (b) IS CREATED BY A CONSUMER REPORTING AGENCY SOLELY FOR
2 THE PURPOSE OF COMPLYING WITH SECTION 5-18-112.5; AND

3 (c) IS NOT CREATED OR USED TO CONSIDER THE PROTECTED
4 CONSUMER'S CREDITWORTHINESS, CREDIT STANDING, CREDIT CAPACITY,
5 CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS, OR
6 ELIGIBILITY FOR OTHER FINANCIAL SERVICES.

7 (13.9) "REPRESENTATIVE" MEANS A:

8 (a) PARENT OF AN INDIVIDUAL WHO IS UNDER SIXTEEN YEARS OF
9 AGE; OR

10 (b) LEGAL GUARDIAN WHO, PURSUANT TO A TESTAMENTARY OR
11 OTHER TRUSTEESHIP, POWER OF ATTORNEY, OR COURT APPOINTMENT, IS
12 QUALIFIED TO MAKE DECISIONS REGARDING THE SUPPORT, CARE,
13 EDUCATION, HEALTH, OR WELFARE OF AN INDIVIDUAL.

14 (15) (a) "Security freeze" or "freeze" means a notice placed in a
15 consumer report OR RECORD, at the request of a consumer OR A
16 PROTECTED CONSUMER'S REPRESENTATIVE and subject to certain
17 exemptions, that prohibits the consumer reporting agency from releasing
18 the consumer report OR RECORD or any information from it without the
19 express authorization of the consumer OR OF THE PROTECTED CONSUMER'S
20 REPRESENTATIVE.

21 (b) "SECURITY FREEZE" INCLUDES A NOTICE:

22 (I) PLACED ON A RECORD CREATED UNDER SECTION 5-18-112.5
23 FOR A PROTECTED CONSUMER FOR WHOM THE CONSUMER REPORTING
24 AGENCY DOES NOT HAVE A CONSUMER REPORT; AND

25 (II) THAT PROHIBITS THE CONSUMER REPORTING AGENCY FROM
26 RELEASING THE PROTECTED CONSUMER'S RECORD EXCEPT AS PROVIDED IN
27 SECTION 5-18-112.5.

1 (16) (a) "SUFFICIENT PROOF OF AUTHORITY" MEANS
2 DOCUMENTATION DEMONSTRATING THAT A REPRESENTATIVE HAS
3 AUTHORITY TO ACT ON BEHALF OF A PROTECTED CONSUMER.

4 (b) "SUFFICIENT PROOF OF AUTHORITY" INCLUDES:

5 (I) A COURT ORDER, A COPY OF A VALID POWER OF ATTORNEY, A
6 VALID TRUST DOCUMENT, OR ANOTHER LEGAL DOCUMENT THAT CLEARLY
7 ESTABLISHES THE AUTHORITY OF THE REPRESENTATIVE TO ACT ON BEHALF
8 OF THE PROTECTED CONSUMER; OR

9 (II) IN THE CASE OF A REPRESENTATIVE WHO IS A PARENT OF THE
10 PROTECTED CONSUMER, A CERTIFIED OR OFFICIAL COPY OF THE PROTECTED
11 CONSUMER'S BIRTH CERTIFICATE.

12 (17) (a) "SUFFICIENT PROOF OF IDENTIFICATION" MEANS
13 DOCUMENTATION IDENTIFYING A PROTECTED CONSUMER OR A
14 REPRESENTATIVE.

15 (b) "SUFFICIENT PROOF OF IDENTIFICATION" INCLUDES A COPY OF
16 A SOCIAL SECURITY CARD, A CERTIFIED OR OFFICIAL COPY OF A BIRTH
17 CERTIFICATE, A COPY OF A VALID DRIVER'S LICENSE, OR A COPY OF A
18 GOVERNMENT-ISSUED PHOTO IDENTIFICATION DOCUMENT.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 5-18-112.5 as
20 follows:

21 **5-18-112.5. Security freeze for protected consumers.** (1) A
22 REPRESENTATIVE MAY PLACE A SECURITY FREEZE ON A PROTECTED
23 CONSUMER'S CONSUMER REPORT OR RECORD BY:

24 (a) SUBMITTING A WRITTEN REQUEST TO A CONSUMER REPORTING
25 AGENCY IN THE MANNER PRESCRIBED BY THAT AGENCY; AND

26 (b) PROVIDING THE CONSUMER REPORTING AGENCY WITH
27 SUFFICIENT PROOF OF AUTHORITY AND SUFFICIENT PROOF OF

1 IDENTIFICATION OF THE REPRESENTATIVE.

2 (2) (a) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A
3 CONSUMER REPORT PERTAINING TO A PROTECTED CONSUMER WHEN THE
4 CONSUMER REPORTING AGENCY RECEIVES A REQUEST FOR A SECURITY
5 FREEZE UNDER SUBSECTION (1) OF THIS SECTION, THE CONSUMER
6 REPORTING AGENCY SHALL CREATE A RECORD FOR THE PROTECTED
7 CONSUMER AND PLACE A SECURITY FREEZE ON THE RECORD, ONLY IF THE
8 PROTECTED CONSUMER'S REPRESENTATIVE REQUESTS, IN WRITING, A
9 SECURITY FREEZE AND PROVIDES REQUIRED DOCUMENTATION IN
10 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

11 (b) A PROTECTED CONSUMER'S RECORD CREATED PURSUANT TO
12 SUBSECTION (2)(a) OF THIS SECTION SHALL NOT BE USED TO CONSIDER THE
13 PROTECTED CONSUMER'S CREDITWORTHINESS, CREDIT STANDING, CREDIT
14 CAPACITY, CHARACTER, GENERAL REPUTATION, PERSONAL
15 CHARACTERISTICS, OR ELIGIBILITY FOR OTHER FINANCIAL SERVICES.

16 (3) A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY
17 FREEZE ON A CONSUMER REPORT OR RECORD WITHIN TEN BUSINESS DAYS
18 AFTER CONFIRMING THE AUTHENTICITY OF A SECURITY FREEZE REQUEST
19 MADE IN ACCORDANCE WITH THIS SECTION.

20 (4) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(c) AND (9) OF
21 THIS SECTION, IF A SECURITY FREEZE IS IN PLACE ON A PROTECTED
22 CONSUMER'S CONSUMER REPORT OR RECORD, INFORMATION FROM THE
23 CONSUMER REPORT OR RECORD SHALL NOT BE RELEASED TO A THIRD
24 PARTY WITHOUT PRIOR, EXPRESS AUTHORIZATION FROM THE PROTECTED
25 CONSUMER'S REPRESENTATIVE OR, IF A PROTECTED CONSUMER HAS
26 PROVIDED THE DOCUMENTATION REQUIRED BY SUBSECTION (7)(b) OF THIS
27 SECTION, FROM THE PROTECTED CONSUMER.

1 (b) A CONSUMER REPORTING AGENCY MAY ADVISE A THIRD PARTY
2 THAT A SECURITY FREEZE IS IN EFFECT WITH RESPECT TO A PROTECTED
3 CONSUMER'S CONSUMER REPORT OR RECORD.

4 (5) WITHIN TEN BUSINESS DAYS AFTER INSTITUTING A SECURITY
5 FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD, THE
6 CONSUMER REPORTING AGENCY SHALL:

7 (a) SEND WRITTEN CONFIRMATION OF THE SECURITY FREEZE TO
8 THE ADDRESS ON FILE; AND

9 (b) PROVIDE THE REPRESENTATIVE WITH INSTRUCTIONS FOR
10 REMOVING THE SECURITY FREEZE.

11 (6) A CONSUMER REPORTING AGENCY SHALL NOT STATE OR IMPLY
12 TO ANY PERSON THAT A SECURITY FREEZE REFLECTS A NEGATIVE CREDIT
13 SCORE, A NEGATIVE CREDIT HISTORY, OR A NEGATIVE CREDIT RATING.

14 (7) (a) A SECURITY FREEZE ON A PROTECTED CONSUMER'S
15 CONSUMER REPORT OR RECORD REMAINS IN EFFECT UNTIL THE PROTECTED
16 CONSUMER'S REPRESENTATIVE OR, IF AUTHORIZED UNDER THIS
17 SUBSECTION (7), THE PROTECTED CONSUMER REQUESTS REMOVAL OF THE
18 SECURITY FREEZE.

19 (b) WITHIN TEN BUSINESS DAYS AFTER CONFIRMING THE
20 AUTHENTICITY OF A REQUEST, A CONSUMER REPORTING AGENCY SHALL
21 REMOVE A SECURITY FREEZE FROM A PROTECTED CONSUMER'S
22 CONSUMER REPORT OR RECORD IF A PROTECTED CONSUMER OR THE
23 PROTECTED CONSUMER'S REPRESENTATIVE REQUESTS THAT THE SECURITY
24 FREEZE BE REMOVED AND PROVIDES TO THE CONSUMER REPORTING
25 AGENCY SUFFICIENT PROOF OF IDENTIFICATION, AND:

26 (I) IF THE PROTECTED CONSUMER'S REPRESENTATIVE MAKES THE
27 REQUEST, SUFFICIENT PROOF OF AUTHORITY; OR

1 (II) IF THE PROTECTED CONSUMER MAKES THE REQUEST,
2 DOCUMENTATION DEMONSTRATING THAT THE REPRESENTATIVE'S PROOF
3 OF AUTHORITY USED TO REQUEST THE SECURITY FREEZE IS NO LONGER
4 VALID. SUCH DOCUMENTATION MAY INCLUDE PROOF THAT THE PROTECTED
5 CONSUMER IS SIXTEEN YEARS OF AGE OR OLDER OR THAT THE
6 REPRESENTATIVE'S APPOINTMENT IS NO LONGER VALID.

7 (c) IF THE CONSUMER REPORT OR RECORD WAS FROZEN DUE TO A
8 MATERIAL MISREPRESENTATION OF FACT BY THE PROTECTED CONSUMER'S
9 REPRESENTATIVE OR SOMEONE PURPORTING TO BE THE PROTECTED
10 CONSUMER'S REPRESENTATIVE, THE CONSUMER REPORTING AGENCY SHALL
11 REMOVE THE SECURITY FREEZE FROM THE PROTECTED CONSUMER'S
12 CONSUMER REPORT OR RECORD AFTER NOTIFYING THE PROTECTED
13 CONSUMER IN WRITING.

14 (8) PURSUANT TO ANY PROCEDURES DEVELOPED IN ACCORDANCE
15 WITH SECTION 5-18-112 (5), A CONSUMER REPORTING AGENCY MAY USE
16 E-MAIL OR OTHER ELECTRONIC MEDIA TO RECEIVE AND PROCESS A
17 SECURITY FREEZE REQUEST.

18 (9) THIS SECTION DOES NOT APPLY TO:

19 (a) THE USE OF A CONSUMER REPORT OR RECORD BY OR FOR ANY
20 OF THE USERS OR USES LISTED IN SECTION 5-18-112 (11);

21 (b) A CONSUMER REPORTING AGENCY PROVIDING A COPY OF THE
22 PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD TO THE
23 PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE
24 IF REQUESTED BY THE PROTECTED CONSUMER OR PROTECTED CONSUMER'S
25 REPRESENTATIVE; OR

26 (c) AN ENTITY LISTED IN SECTION 5-18-115 (2).

27 (10) A CONSUMER REPORTING AGENCY SHALL NOT CHARGE A FEE

1 TO CREATE A RECORD IN ACCORDANCE WITH THIS SECTION OR FOR A
2 REQUEST TO PLACE OR REMOVE A SECURITY FREEZE ON A PROTECTED
3 CONSUMER'S CONSUMER REPORT OR RECORD. A CONSUMER REPORTING
4 AGENCY ALSO SHALL NOT CHARGE A FEE TO PLACE, TEMPORARILY LIFT,
5 PARTIALLY LIFT, OR PERMANENTLY REMOVE A SECURITY FREEZE ON THE
6 CONSUMER REPORT OR RECORD OF ANY CONSUMER UNDER EIGHTEEN
7 YEARS OF AGE.

8 (11) A THIRD PARTY MAY TREAT A PROTECTED CONSUMER'S
9 APPLICATION FOR CREDIT AS INCOMPLETE IF:

10 (a) THE THIRD PARTY REQUESTED ACCESS TO THE PROTECTED
11 CONSUMER'S CONSUMER REPORT OR RECORD IN CONNECTION WITH AN
12 APPLICATION FOR CREDIT; AND

13 (b) THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD
14 IS FROZEN PURSUANT TO THIS SECTION.

15 (12) IF A CONSUMER REPORTING AGENCY VIOLATES A SECURITY
16 FREEZE PLACED ON A PROTECTED CONSUMER'S CONSUMER REPORT OR
17 RECORD BY RELEASING INFORMATION SUBJECT TO THE SECURITY FREEZE
18 WITHOUT PROPER AUTHORIZATION TO RELEASE THE INFORMATION, THE
19 CONSUMER REPORTING AGENCY SHALL NOTIFY THE PROTECTED
20 CONSUMER'S REPRESENTATIVE OR PROTECTED CONSUMER IN WRITING OF
21 THE RELEASE OF INFORMATION WITHIN FIVE BUSINESS DAYS AFTER
22 DISCOVERING THE RELEASE OF INFORMATION. THE NOTICE MUST INCLUDE
23 THE SPECIFIC INFORMATION RELEASED AND THE NAME, ADDRESS, PHONE
24 NUMBER, AND, IF AVAILABLE, E-MAIL ADDRESS OF THE RECIPIENT OF THE
25 INFORMATION.

26 (13) A PROTECTED CONSUMER'S REPRESENTATIVE OR, IF A
27 PROTECTED CONSUMER HAS DEMONSTRATED THAT HIS OR HER

1 REPRESENTATIVE'S PROOF OF AUTHORITY IS NO LONGER VALID PURSUANT
2 TO SUBSECTION (7)(b)(II) OF THIS SECTION, A PROTECTED CONSUMER MAY
3 DISPUTE INFORMATION IN THE PROTECTED CONSUMER'S CONSUMER
4 REPORT OR RECORD PURSUANT TO THE PROCEDURES SET FORTH IN SECTION
5 5-18-110 AND MAY REQUEST THAT A CONSUMER REPORTING AGENCY
6 BLOCK THE REPORTING OF INFORMATION IN THE PROTECTED CONSUMER'S
7 CONSUMER REPORT OR RECORD PURSUANT TO SECTION 5-18-111.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 5-18-113.5 as
9 follows:

10 **5-18-113.5. Notice of rights regarding protected consumers.**

11 WHENEVER A CONSUMER REPORTING AGENCY IS REQUIRED TO PROVIDE A
12 SUMMARY OF RIGHTS TO A CONSUMER UNDER SECTION 609 OF THE
13 FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681g, AS
14 AMENDED, OR UNDER STATE LAW, THE FOLLOWING NOTICE MUST BE
15 INCLUDED:

16 **STATE CONSUMERS HAVE THE RIGHT TO OBTAIN A**
17 **SECURITY FREEZE FOR THEIR CHILDREN OR LEGAL WARDS**

18 YOU MAY OBTAIN FROM A CONSUMER REPORTING
19 AGENCY A CREDIT REPORT SECURITY FREEZE FOR YOUR
20 CHILD WHO IS UNDER SIXTEEN YEARS OF AGE OR FOR YOUR
21 LEGAL WARD. IF A CONSUMER REPORT HAS NOT YET BEEN
22 CREATED FOR YOUR CHILD OR LEGAL WARD, YOU MAY
23 REQUEST THAT A CONSUMER REPORTING AGENCY CREATE A
24 CONSUMER RECORD FOR HIM OR HER AND PLACE A SECURITY
25 FREEZE ON HIS OR HER CONSUMER RECORD. YOU WILL NOT
26 BE CHARGED TO HAVE A SECURITY FREEZE PLACED ON YOUR
27 CHILD'S OR LEGAL WARD'S CONSUMER REPORT OR TO HAVE

1 A CONSUMER RECORD CREATED FOR YOUR CHILD OR LEGAL
2 WARD AND TO HAVE A SECURITY FREEZE PLACED ON THE
3 CONSUMER RECORD. YOU WILL NOT BE CHARGED TO HAVE
4 A SECURITY FREEZE PLACED ON OR REMOVED FROM YOUR
5 CHILD'S OR LEGAL WARD'S CREDIT REPORT OR RECORD. [REDACTED]

6 [REDACTED]

7 **SECTION 4.** In Colorado Revised Statutes, **amend** 5-18-114 as
8 follows:

9 **5-18-114. Security freeze - prohibition of changing official**
10 **information in credit report or record.** If a security freeze is in place,
11 a consumer reporting agency shall not change any of the following
12 official information in a consumer report OR RECORD without sending a
13 written notice of the change to the consumer OR TO A PROTECTED
14 CONSUMER'S REPRESENTATIVE within thirty days ~~of~~ AFTER the change
15 ~~being~~ IS posted to the consumer's OR PROTECTED CONSUMER'S file: Name,
16 date of birth, social security number, and address. Written notice is not
17 required for technical modifications of a consumer's OR PROTECTED
18 CONSUMER'S official information, including name and street
19 abbreviations, complete spellings, or transposition of numbers or letters.
20 In the case of an address change, THE CONSUMER REPORTING AGENCY
21 SHALL SEND the written notice ~~shall be sent~~ to both the new address and
22 the former address.

23 **SECTION 5.** In Colorado Revised Statutes, 5-18-115, **amend** (1),
24 (2) introductory portion, and (2)(b) as follows:

25 **5-18-115. Security freeze - exemptions.** (1) (a) EXCEPT AS
26 SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION, sections 5-18-112 to
27 5-18-114 ~~shall~~ DO not apply to a consumer reporting agency that:

1 (I) Acts only as a reseller of credit information by assembling and
2 merging information contained in the database of another consumer
3 reporting agency or multiple consumer reporting agencies; and ~~that~~

4 (II) Does not maintain a permanent database of credit information
5 from which new consumer reports OR RECORDS are produced. ~~However,~~

6 (b) A consumer reporting agency shall honor any security freeze
7 placed on a consumer report OR RECORD by another consumer reporting
8 agency.

9 (2) The following entities are not required to place A SECURITY
10 FREEZE in a consumer report ~~a security freeze~~ OR RECORD:

11 (b) A deposit account information service or company that issues
12 reports regarding account closures due to fraud, substantial overdrafts, or
13 automatic teller machine abuse or similar negative information regarding
14 a consumer OR PROTECTED CONSUMER to inquiring banks or other
15 financial institutions for use only in reviewing a consumer request for a
16 deposit account at the inquiring bank or financial institution;

17 **SECTION 6.** In Colorado Revised Statutes, **amend** 5-18-116 as
18 follows:

19 **5-18-116. Consumer's right to file action in court or arbitrate**
20 **disputes.** (1) A CONSUMER, PROTECTED CONSUMER, OR PROTECTED
21 CONSUMER'S REPRESENTATIVE MAY BRING an action to enforce any
22 obligation ~~of~~ a consumer reporting agency HAS to a consumer,
23 PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE
24 under this article 18 ~~may be brought~~ in any court of competent
25 jurisdiction as provided by the federal "Fair Credit Reporting Act", 15
26 U.S.C. SEC. 1681 ET SEQ., AS AMENDED, or ~~submitted~~ SUBMIT AN
27 ENFORCEMENT ACTION to binding arbitration, IN THE MANNER SET FORTH

1 IN THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION, TO
2 DETERMINE WHETHER THE CONSUMER REPORTING AGENCY MET ITS
3 OBLIGATIONS UNDER THIS ARTICLE 18 after the consumer, PROTECTED
4 CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE has followed,
5 AS APPLICABLE:

6 (a) All dispute procedures in section 5-18-110 and has received
7 the notice specified in section 5-18-110 (6); ~~or has followed~~

8 (b) All of the block procedures in section 5-18-111; ~~or has~~
9 ~~followed~~

10 (c) All of the freeze procedures in section 5-18-112 ~~in the manner~~
11 ~~set forth in the rules of the American arbitration association to determine~~
12 ~~whether the consumer reporting agency met its obligations under this~~
13 ~~article 18. No~~ OR 5-18-112.5.

14 (2) AN ARBITRATOR'S decision ~~by an arbitrator~~ pursuant to this
15 section ~~shall~~ DOES NOT affect the validity of any obligations or debts
16 owed to any party. A successful party to any arbitration proceeding shall
17 be compensated for the costs and attorney fees of the proceeding as
18 determined by the court or arbitration. ~~No~~ A consumer, ~~may~~ PROTECTED
19 CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE SHALL NOT
20 submit more than one action to arbitration against any consumer reporting
21 agency during any one-hundred-twenty-day period.

22 (3) The results of an arbitration action brought against a consumer
23 reporting agency doing business in this state shall be communicated in a
24 timely manner with all other consumer reporting agencies doing business
25 in this state. If, as a result of an arbitration, a determination is made in
26 favor of the consumer, PROTECTED CONSUMER, OR PROTECTED
27 CONSUMER'S REPRESENTATIVE, any adverse information in the consumer's

1 OR PROTECTED CONSUMER'S file, REPORT, or record shall be blocked,
2 removed, or stricken in a timely manner, or the consumer report OR
3 RECORD shall be frozen within five days ~~of~~ AFTER receipt of the
4 determination by the consumer reporting agency. If the adverse
5 information is not blocked, removed, or stricken, or the file is not frozen,
6 the consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
7 REPRESENTATIVE may bring an action against the noncomplying agency
8 pursuant to this section notwithstanding the one-hundred-twenty-day
9 waiting period.

10 **SECTION 7.** In Colorado Revised Statutes, **amend** 5-18-117 as
11 follows:

12 **5-18-117. Violations.** (1) ~~Any~~ A consumer reporting agency that
13 willfully violates ~~any provision of~~ this article 18 or the federal "Fair
14 Credit Reporting Act", 15 U.S.C. sec. 1681c, as amended, ~~shall be~~ IS
15 liable for three times the amount of actual damages or one thousand
16 dollars, WHICHEVER IS GREATER, for a violation of section 5-18-112 OR
17 5-18-112.5, or for each inaccurate or unblocked entry in the consumer's
18 OR PROTECTED CONSUMER'S file that was disputed or alleged to be
19 unauthorized in accordance with section 5-18-111 by the consumer,
20 ~~whichever is greater~~ PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
21 REPRESENTATIVE, PLUS reasonable attorney fees and costs.

22 (2) (a) ~~Any~~ A consumer reporting agency that negligently violates
23 this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec.
24 1681c, as amended, ~~shall be~~ IS liable for the greater of actual damages or
25 one thousand dollars for each violation of section 5-18-112 OR
26 5-18-112.5, or for each inaccurate or unblocked entry in the consumer's
27 OR PROTECTED CONSUMER'S file that was disputed or alleged BY THE

1 CONSUMER, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
2 REPRESENTATIVE to be unauthorized in accordance with section 5-18-111,
3 ~~by the consumer~~ that affects the consumer's OR PROTECTED CONSUMER'S
4 creditworthiness, as defined in section 5-18-103 (6), plus reasonable
5 attorney fees and costs if:

6 (I) Within thirty days after receiving notice of dispute from a
7 consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
8 REPRESENTATIVE in accordance with section 5-18-110, the consumer
9 reporting agency does not:

10 (A) Correct the complained of items or activities; and ~~does not~~

11 (B) Send the consumer, PROTECTED CONSUMER, OR PROTECTED
12 CONSUMER'S REPRESENTATIVE and, upon request of the consumer,
13 PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE,
14 any person who has requested the consumer information, written
15 notification of the corrective action, in accordance with section 5-18-110
16 (6), ~~or section 5-18-112, OR 5-18-112.5; or if;~~

17 (II) Within thirty days after receiving a copy of a police report
18 alleging, or a certified court order finding, unauthorized activity, the
19 consumer reporting agency does not block the information in accordance
20 with section 5-18-111.

21 (b) ~~Any~~ A consumer reporting agency that negligently violates
22 this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec.
23 1681c, as amended, ~~shall be~~ IS liable for the greater of actual damages or
24 one thousand dollars for all violations of section 5-18-112 OR 5-18-112.5
25 or all inaccurate or unblocked entries in the consumer's OR PROTECTED
26 CONSUMER'S file that were disputed or alleged BY THE CONSUMER,
27 PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE to

1 be unauthorized in accordance with section 5-18-111, ~~or section~~
2 5-18-112, ~~by the consumer~~ OR 5-18-112.5 AND that did not affect the
3 consumer's OR PROTECTED CONSUMER'S creditworthiness, plus reasonable
4 attorney fees and costs if:

5 (I) Within thirty days after receiving notice of dispute from a
6 consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
7 REPRESENTATIVE in accordance with section 5-18-110, the consumer
8 reporting agency does not:

9 (A) Correct the complained of items or activities; and ~~does not~~

10 (B) Send TO the consumer, PROTECTED CONSUMER, OR PROTECTED
11 CONSUMER'S REPRESENTATIVE and, if requested by the consumer,
12 PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE, TO
13 any person who has requested the consumer information, written
14 notification of the corrective action, in accordance with section 5-18-110
15 (6), ~~or section~~ 5-18-112, OR 5-18-112.5; or if;

16 (II) Within thirty days after receiving a copy of a police report
17 alleging, or a certified court order finding, unauthorized activity, the
18 consumer reporting agency does not block the information in accordance
19 with section 5-18-111.

20 (3) In addition to the damages assessed under subsections (1) and
21 (2) of this section, if, ten days after the entry of any judgment for
22 damages, the consumer's OR PROTECTED CONSUMER'S file is still not
23 corrected, blocked, or frozen by the consumer reporting agency, the
24 assessed damages shall be increased to one thousand dollars per day per
25 unfrozen consumer report OR RECORD or inaccurate or unblocked entry
26 that remains in the consumer's OR PROTECTED CONSUMER'S file until the
27 inaccurate entry is corrected or blocked, or the consumer report OR

1 RECORD is frozen.

2 **SECTION 8. Act subject to petition - effective date.** (1) This
3 act takes effect January 1, 2019; except that, if a referendum petition is
4 filed pursuant to section 1 (3) of article V of the state constitution against
5 this act or an item, section, or part of this act within the ninety-day period
6 after final adjournment of the general assembly, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2018 and, in such case, will take
9 effect on January 1, 2019, or on the date of the official declaration of the
10 vote thereon by the governor, whichever is later.

11 (2) This act applies to actions brought and violations committed
12 on or after the applicable effective date of this act.