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M E M O R A N D U M

March 16, 2016

TO: Interested Persons

FROM: Luisa Altmann, Research Analyst, 303-866-3518

SUBJECT: State Laws Addressing Fees Related to Credit Security Freezes

Summary

This memorandum provides an overview of states' laws regulating the fees a credit reporting agency may charge related to consumer credit security freezes, including a detailed summary of Colorado's law. Also included in this memorandum is a table comparing the specific fees allowed by each state's security freeze law, along with citations for the specific state statutes.

Background

When a security freeze is in place on a consumer's credit report, a credit reporting agency may not release the consumer's credit report. This allows a consumer to limit access to his or her credit information, thereby making it more difficult for identity thieves to open new accounts in the consumer's name and potentially reducing the impact of an identity theft. A security freeze may be temporarily lifted to allow access to the individual's credit report for a specific time period or for a specific credit lender, or permanently removed upon request of the consumer.

Colorado

Under Colorado law, a consumer credit reporting agency may not charge a fee for a consumer's first request to place a security freeze on their credit report. A fee of no more than \$10 may be charged for each subsequent request to place a security freeze on a consumer's credit report. To place a temporary lift on a security freeze for a period of time, a consumer may be charged a fee of no more than \$10, unless the temporary lift is for a specific party, in which case a fee of no more than \$12 may be charged. To permanently remove a

security freeze from their credit report, a consumer may be charged a fee of no more than \$10.¹ Colorado law currently does not provide a fee exemption for victims of identity theft. However, according to each company's website, Experian and TransUnion do not charge any fees to identity theft victims for the temporary lifting or removal of a security freeze.

Other State Laws

All 50 states have a security freeze law in effect, and almost all of the laws include a provision that limits the fees credit reporting agencies can charge for services related to security freezes. Table 1 provides a detailed summary of each state's security freeze law.

Exemptions for identity theft victims. Forty states have a specific provision in law that exempts identity theft victims from having to pay any fees for the placement, temporary lifting, or permanent removal of a security freeze. An additional three states (Arkansas, Ohio, and Washington) waive the fee for initially placing a security freeze for identity theft victims and three states (Indiana, Maine, and South Carolina) specify that no fees may be charged to any parties. Many states, including Alaska, Georgia, and Oklahoma, require victims of identity theft to submit a copy of a valid investigative or incident report or complaint filed with a law enforcement agency to the credit reporting agency to prove eligibility for the fee waiver.

Other exemptions. Sixteen states, including Delaware, Nevada, and Washington, either exempt seniors, often defined as those aged 65 or older, from paying any fees related to security freezes, or limit the fee seniors must pay. Several states also provide special fee exemptions or limits for minors, individuals who are medically incapacitated, and other protected consumers.

Personal identification number. Many states, including Alabama, Florida, and Idaho, include a provision in their state security freeze law that limits the amount a credit reporting agency may charge to issue a replacement personal identification number or password if an individual loses the original.

¹Section 12-14.3-106.6 (12), C.R.S.

**Table 1
State Credit Security Freeze Law Details**

State & Relevant Statute	Fee Charged for Security Freeze Placement	Fee Charged for Temporary Lifting of Security Freeze	Fee Charged for Permanent Security Freeze Removal	Fees Waived for Identity Theft Victims	Other Information
Alabama Ala. Code § 8-35-2 (p).	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement of a security freeze.
Alaska Alaska Stat. § 45.48.160.	\$5	\$2	No charge	Yes	
Arizona Ariz. Rev. Stat. § 44-1698 (K) & Ariz. Rev. Stat. § 44-1698.02 (I).	\$5	\$5	\$5	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the placement request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$5 may be charged.
Arkansas Ark. Code § 4-112-108.	\$5	\$5	\$5	Yes – placement fee waived	A credit reporting agency may not charge a person aged 65 or older for the placement of a security freeze.
California Cal. Civ. Code § 1785.11.2 (m).	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement of a security freeze, but may charge a fee of \$5 for the temporary lifting and removal of the security freeze.
Colorado Section 12-14.3-106.6 (12), C.R.S.	No charge for first request	\$10	\$10	No	A fee of \$10 may be charged for the placement of any subsequent security freezes. A fee of \$12 may be charged for temporarily lifting the security freeze for a specific party.
Connecticut Conn. Gen. Stat. § 36a-701a (i).	\$10	\$10	\$10	Yes	A fee of \$12 may be charged for temporarily lifting the security freeze for a specific party. A credit reporting agency may not charge any fees to a person aged 62 or older, a person under the age of 18, incapacitated individuals, or victims of domestic violence.
Delaware Del. Code tit. 6, § 2203 (b) (13) & Del. Code tit. 6, § 2205 (j).	\$10	No charge	No charge	Yes	A credit reporting agency may charge a fee of \$5 for the placement of a security freeze for individuals aged 65 or older, and a \$5 fee for the placement and removal of a security freeze for incapacitated individuals. A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$5 may be charged.
Florida Fla. Stat. § 501.005 (13) & Fla. Stat. § 501.0051 (9).	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement or removal of a security freeze.

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Georgia Ga. Code Ann. § 10-1-914 (p) & Ga. Code Ann. § 10-1-914.1 (g).	\$3	\$3	\$3	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement of a security freeze. A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Hawaii Haw. Rev. Stat. § 489P-3 (a).	\$5	\$5	\$5	Yes	
Idaho Idaho Code Ann. § 28-52-106.	\$6	\$6	No charge	Yes	
Illinois 815 Ill. Comp. Stat. § 505/2MM (n-5).	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement or removal of a security freeze.
Indiana Ind. Code § 24-5-24-14 & Ind. Code § 24-5-24.5-17.	No charge	No charge	No charge	N/A	
Iowa Iowa Code § 714G.5 & Iowa Code § 714G.8A (5).	\$10	\$12	\$10	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$5 may be charged.
Kansas Kan. Stat. Ann. § 50-723 (j).	\$5	\$5	\$5	Yes	
Kentucky Ky. Rev. Stat. Ann. § 367.365 (10).	\$10	\$10	\$10	Yes	Fees may increase annually based on the Consumer Price Index for All Urban Consumers.
Louisiana La. Rev. Stat. Ann. § 9:3571.1 (W) & La. Rev. Stat. Ann. § 9:3571.3 (I).	\$10	\$8	No charge	Yes	A credit reporting agency may not charge any fees to a person aged 62 or older. The fee to place a security freeze may increase annually based on the Consumer Price Index for All Urban Consumers. A credit report agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.

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Maine Me. Rev. Stat. Ann. tit. 10 § 1310 (1) (A) & Me. Rev. Stat. Ann. tit. 10 § 1310 (1-A) (H).	No charge	No charge	No charge	N/A	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Maryland Md. Code, Com. Law § 14-1212.1 (h)(3)(i) & Md. Code, Com. Law § 14-1212.2 (i).	\$5	\$5	\$5	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$5 may be charged.
Massachusetts Mass. Gen. Laws ch. 93, § 62A.	\$5	\$5	\$5	Yes	Fees are also waived for spouses of identity theft victims.
Michigan Mich. Comp. Laws § 445.2541.	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Minnesota Minn. Stat. § 13C.016 Subd. 8.	\$5	\$5	\$5	Yes	
Mississippi Miss. Code Ann. § 75-24-201, <i>et seq.</i>	\$10	No charge	No charge	No	
Missouri Mo. Rev. Stat. § 407.1382.	\$5	\$5	No charge	Yes	A fee of \$10 may be charged for the placement of any subsequent security freezes.
Montana Mont. Code Ann. § 30-14-1735.	\$3	\$3	No charge	Yes	
Nebraska Neb. Rev. Stat. § 8-2609.	\$3	\$3	\$3	Yes	A credit reporting agency may not charge any fees for minors under 19 years of age.

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Nevada Nev. Rev. Stat. § 598C.320.	\$10	\$10	\$10	Yes	A credit reporting agency may not charge any fees to a person aged 65 or older. Fees may increase annually based on the Consumer Price Index for All Urban Consumers.
New Hampshire N.H. Rev. Stat. Ann. § 359-B:24 (I).	\$10	\$10	\$10	Yes	
New Jersey N.J. Rev. Stat. § 56:11-46 (m).	No charge	\$5	\$5	No	
New Mexico N.M. Stat. § 56-3A-3 (I).	\$10	\$5	\$5	Yes	A credit reporting agency may not charge any fees to a person aged 65 or older.
New York N.Y. G.B.S. Law § 380-t (n) & N.Y. G.B.S. Law § 380-u (h).	No charge for first request	\$5	\$5	Yes	A fee of \$5 may be charged for the placement of any subsequent security freezes. A credit reporting agency may not charge any fees to a domestic violence victim. A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$15 may be charged.
North Carolina N.C. Gen. Stat. § 75-63 (o) & N.C. Gen. Stat. § 75-63.1 (d).	\$3/No charge	No charge	No charge	Yes	If the request to place a security freeze is made electronically, there is no charge. If the request to place a security freeze is made by telephone or by mail, the credit reporting agency may charge a \$3 fee. A credit reporting agency may not charge any fees to a person aged 62 or older. Fees are also waived for spouses of identity theft victims. A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$5 may be charged.
North Dakota N.D. Cent. Code § 51-33-08.	\$5	\$5	No charge	Yes	
Ohio Ohio Rev. Code § 1349.52 (I).	\$5	\$5	\$5	Yes – placement fee waived	
Oklahoma Okla. Stat. Ann. tit. 24 § 156.	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement or removal of a security freeze.

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Oregon Or. Rev. Stat. § 646A.610.	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$5 may be charged.
Pennsylvania 73 Pa. Stat. § 2509.	\$10	\$10	No charge	Yes	A credit reporting agency may not charge a person aged 65 or older for the placement of a security freeze.
Rhode Island R.I. Gen. Laws § 6-48-5 (a) (13).	\$10	\$10	\$10	Yes	A credit reporting agency may not charge any fees to a person aged 65 or older.
South Carolina S.C. Code Ann. § 37-20-160 (J) & S.C. Code Ann. § 37-20-161 (J).	No charge	No charge	No charge	N/A	
South Dakota S.D. Codified Laws § 54-15-1, <i>et. seq.</i>	N/A	N/A	N/A	N/A	No fees are specified in statute.
Tennessee Tenn. Code Ann. § 47-18-2108 (l) & Tenn. Code Ann. § 47-18-2111 (j).	\$7.50	No charge	\$5	Yes	Fees may increase annually based on the Consumer Price Index for All Urban Consumers. A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Texas Tex. Bus. & Com. Code § 20.04 & Tex. Bus. & Com. Code § 20.29.	\$10	\$10	\$10	Yes	A fee of \$12 may be charged for temporarily lifting the security freeze for a specific party. Fees may increase annually based on the Consumer Price Index for All Urban Consumers. A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Utah Utah Code § 13-45-204.	"reasonable fee"	"reasonable fee"	No charge	Yes	
Vermont Vt. Stat. Ann. tit. 9 § 2480h (a).	\$10	\$5	\$5	Yes	

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Virginia Va. Code Ann. § 59.1-444.2 (M) & Va. Code Ann. § 59.1-444.3 (J).	\$10	No charge	No charge	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Washington Wash. Rev. Code § 19.182.170 (13).	\$10	\$10	\$10	Yes – placement fee waived	A credit reporting agency may not charge a person aged 65 or older for the placement of a security freeze.
West Virginia W. Va. Code § 46A-6L-102 (n).	\$5	\$5	\$5	Yes	
Wisconsin Wis. Stat. § 100.54 (9) & Wis. Stat. § 100.545 (5).	\$10	\$10	\$10	Yes	A credit reporting agency may not charge a fee for the placement or removal of a security freeze for a person under the age of 16 at the time of the request if the agency has a consumer credit report on file for the minor; otherwise, a fee of \$10 may be charged.
Wyoming Wyo. Stat. § 40-12-506.	\$10	\$10	\$10	Yes	

Source: Legislative Council Staff.