

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0344.01 Jennifer Berman x3286

HOUSE BILL 18-1129

HOUSE SPONSORSHIP

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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 GUARDIAN AT THE REQUEST OF
104 THE CONSUMER'S GUARDIAN.

Bill Summary

(Note: 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 to request that a consumer reporting agency place a security freeze on the consumer report of a minor or other individual who is the legal guardian's

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.

ward (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 guardian 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to the credit reporting agency that he or she has reached 17 years of age or that his or her guardian's appointment is no longer valid may have the security freeze removed.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 1 defines the terms "guardian", "protected consumer", "sufficient proof of authority", and "sufficient proof of identification", and amends the definition of "security freeze".

Sections 3 through 6 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** (9.5), (13.5), (16), and (17) as follows:

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

6 (9.5) "GUARDIAN" MEANS A:

7 (a) PARENT; OR

8 (b) LEGAL GUARDIAN WHO, PURSUANT TO A TESTAMENTARY OR
9 COURT APPOINTMENT, IS QUALIFIED TO MAKE DECISIONS REGARDING THE
10 SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF AN INCAPACITATED
11 INDIVIDUAL.

12 (13.5) "PROTECTED CONSUMER" MEANS A CONSUMER WHO, AT THE
13 TIME A SECURITY FREEZE REQUEST IS MADE, IS:

14 (a) SIXTEEN YEARS OF AGE OR YOUNGER; OR

1 (b) REPRESENTED BY A GUARDIAN.

2 (15) (a) "Security freeze" or "freeze" means a notice placed in a
3 consumer report OR RECORD, at the request of a consumer OR A
4 PROTECTED CONSUMER'S GUARDIAN and subject to certain exemptions,
5 that prohibits the consumer reporting agency from releasing the consumer
6 report OR RECORD or any information from it without the express
7 authorization of the consumer OR OF THE PROTECTED CONSUMER'S
8 GUARDIAN.

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

10 (I) PLACED ON A RECORD CREATED FOR A PROTECTED CONSUMER
11 FOR WHOM THE CONSUMER REPORTING AGENCY DOES NOT HAVE A
12 CONSUMER REPORT; AND

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

16 (16) (a) "SUFFICIENT PROOF OF AUTHORITY" MEANS
17 DOCUMENTATION DEMONSTRATING THAT A GUARDIAN HAS AUTHORITY TO
18 ACT ON BEHALF OF A PROTECTED CONSUMER.

19 (b) "SUFFICIENT PROOF OF AUTHORITY" INCLUDES A COURT ORDER;
20 A COPY OF A VALID POWER OF ATTORNEY; A WRITTEN, NOTARIZED
21 STATEMENT SIGNED BY THE GUARDIAN THAT EXPRESSLY DESCRIBES THE
22 AUTHORITY OF THE GUARDIAN TO ACT ON BEHALF OF THE PROTECTED
23 CONSUMER; OR, IN THE CASE OF A GUARDIAN WHO IS A PARENT OF THE
24 PROTECTED CONSUMER, A CERTIFIED OR OFFICIAL COPY OF THE PROTECTED
25 CONSUMER'S BIRTH CERTIFICATE.

26 (17) (a) "SUFFICIENT PROOF OF IDENTIFICATION" MEANS
27 DOCUMENTATION IDENTIFYING A PROTECTED CONSUMER OR A GUARDIAN.

1 (b) "SUFFICIENT PROOF OF IDENTIFICATION" INCLUDES A COPY OF
2 A SOCIAL SECURITY CARD, A CERTIFIED OR OFFICIAL COPY OF A BIRTH
3 CERTIFICATE, A COPY OF A VALID DRIVER'S LICENSE, OR A COPY OF A
4 GOVERNMENT-ISSUED PHOTO IDENTIFICATION DOCUMENT.

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

7 **5-18-112.5. Security freeze for protected consumers.** (1) A
8 GUARDIAN MAY PLACE A SECURITY FREEZE ON A PROTECTED CONSUMER'S
9 CONSUMER REPORT OR RECORD BY:

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

12 (b) PROVIDING THE CONSUMER REPORTING AGENCY WITH
13 SUFFICIENT PROOF OF AUTHORITY AND SUFFICIENT PROOF OF
14 IDENTIFICATION OF THE GUARDIAN.

15 (2) (a) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A
16 CONSUMER REPORT PERTAINING TO A PROTECTED CONSUMER WHEN THE
17 CONSUMER REPORTING AGENCY RECEIVES A REQUEST FOR A SECURITY
18 FREEZE UNDER SUBSECTION (1) OF THIS SECTION, THE CONSUMER
19 REPORTING AGENCY SHALL CREATE A RECORD FOR THE PROTECTED
20 CONSUMER AND PLACE A SECURITY FREEZE ON THE RECORD.

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

26 (3) A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY
27 FREEZE ON A CONSUMER REPORT OR RECORD WITHIN FIVE DAYS AFTER

1 CONFIRMING THE AUTHENTICITY OF A SECURITY FREEZE REQUEST MADE IN
2 ACCORDANCE WITH THIS SECTION.

3 (4) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(c) AND (9) OF
4 THIS SECTION, IF A SECURITY FREEZE IS IN PLACE ON A PROTECTED
5 CONSUMER'S CONSUMER REPORT OR RECORD, INFORMATION FROM THE
6 CONSUMER REPORT OR RECORD SHALL NOT BE RELEASED TO A THIRD
7 PARTY WITHOUT PRIOR, EXPRESS AUTHORIZATION FROM THE PROTECTED
8 CONSUMER'S GUARDIAN OR, IF A PROTECTED CONSUMER HAS PROVIDED
9 THE DOCUMENTATION REQUIRED BY SUBSECTION (7)(b) OF THIS SECTION,
10 FROM THE PROTECTED CONSUMER.

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

14 (5) WITHIN FIVE BUSINESS DAYS AFTER INSTITUTING A SECURITY
15 FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD, THE
16 CONSUMER REPORTING AGENCY SHALL:

17 (a) SEND THE PROTECTED CONSUMER'S GUARDIAN WRITTEN
18 CONFIRMATION OF THE SECURITY FREEZE;

19 (b) PROVIDE THE GUARDIAN WITH INSTRUCTIONS FOR REMOVING
20 OR TEMPORARILY LIFTING THE SECURITY FREEZE OR ALLOWING A SPECIFIC
21 PARTY ACCESS TO THE PROTECTED CONSUMER'S CONSUMER REPORT OR
22 RECORD; AND

23 (c) PROVIDE THE GUARDIAN WITH A UNIQUE PERSONAL IDENTIFIER
24 THAT THE GUARDIAN MAY USE TO PROVIDE AUTHORIZATION FOR A
25 REMOVAL OR TEMPORARY LIFT OF THE SECURITY FREEZE OR THIRD-PARTY
26 ACCESS TO THE CONSUMER REPORT OR RECORD.

27 (6) A CONSUMER REPORTING AGENCY SHALL NOT STATE OR IMPLY

1 TO ANY PERSON THAT A SECURITY FREEZE REFLECTS A NEGATIVE CREDIT
2 SCORE, A NEGATIVE CREDIT HISTORY, OR A NEGATIVE CREDIT RATING.

3 (7) (a) A SECURITY FREEZE ON A PROTECTED CONSUMER'S
4 CONSUMER REPORT OR RECORD REMAINS IN EFFECT UNTIL THE PROTECTED
5 CONSUMER'S GUARDIAN OR, IF AUTHORIZED UNDER THIS SUBSECTION (7),
6 THE PROTECTED CONSUMER REQUESTS REMOVAL OF THE SECURITY
7 FREEZE.

8 (b) WITHIN THREE BUSINESS DAYS AFTER A REQUEST, A CONSUMER
9 REPORTING AGENCY SHALL REMOVE OR TEMPORARILY LIFT A SECURITY
10 FREEZE FROM A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD
11 IF A PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S GUARDIAN
12 REQUESTS THAT THE SECURITY FREEZE BE REMOVED OR TEMPORARILY
13 LIFTED AND PROVIDES TO THE CONSUMER REPORTING AGENCY SUFFICIENT
14 PROOF OF IDENTIFICATION, THE UNIQUE PERSONAL IDENTIFIER PROVIDED
15 BY THE CONSUMER REPORTING AGENCY PURSUANT TO SUBSECTION (5)(c)
16 OF THIS SECTION, AND:

17 (I) IF THE PROTECTED CONSUMER'S GUARDIAN MAKES THE
18 REQUEST, SUFFICIENT PROOF OF AUTHORITY; OR

19 (II) IF THE PROTECTED CONSUMER MAKES THE REQUEST,
20 DOCUMENTATION DEMONSTRATING THAT THE GUARDIAN'S PROOF OF
21 AUTHORITY USED TO REQUEST THE SECURITY FREEZE IS NO LONGER VALID.
22 SUCH DOCUMENTATION MAY INCLUDE PROOF THAT THE PROTECTED
23 CONSUMER HAS REACHED THE AGE OF SEVENTEEN OR THAT THE LEGAL
24 GUARDIAN'S APPOINTMENT IS NO LONGER VALID.

25 (c) IF THE CONSUMER REPORT OR RECORD WAS FROZEN DUE TO A
26 MATERIAL MISREPRESENTATION OF FACT BY THE PROTECTED CONSUMER'S
27 GUARDIAN OR SOMEONE PURPORTING TO BE THE PROTECTED CONSUMER'S

1 GUARDIAN, THE CONSUMER REPORTING AGENCY SHALL REMOVE THE
2 SECURITY FREEZE FROM THE PROTECTED CONSUMER'S CONSUMER REPORT
3 OR RECORD AFTER NOTIFYING THE PROTECTED CONSUMER IN WRITING.

4 (d) IF A PROTECTED CONSUMER'S GUARDIAN OR A PROTECTED
5 CONSUMER WHO, PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION, HAS
6 DEMONSTRATED THAT A GUARDIAN'S PROOF OF AUTHORITY IS NO LONGER
7 VALID WISHES TO MAKE THE PROTECTED CONSUMER'S CONSUMER REPORT
8 OR RECORD ACCESSIBLE TO ONE OR MORE SPECIFIC THIRD PARTIES, HE OR
9 SHE MUST:

10 (I) CONTACT THE CONSUMER REPORTING AGENCY TO REQUEST
11 THAT THE SECURITY FREEZE BE TEMPORARILY LIFTED WITH RESPECT TO A
12 THIRD PARTY; AND

13 (II) PROVIDE THE CONSUMER REPORTING AGENCY WITH THE
14 INFORMATION:

15 (A) REQUIRED TO REMOVE OR TEMPORARILY LIFT A SECURITY
16 FREEZE UNDER SUBSECTION (7)(b) OF THIS SECTION, INCLUDING
17 SUFFICIENT PROOF OF AUTHORITY; AND

18 (B) IDENTIFYING THE PERSON OR PERSONS THAT THE GUARDIAN OR
19 PROTECTED CONSUMER WISHES TO ALLOW ACCESS TO THE PROTECTED
20 CONSUMER'S CONSUMER REPORT OR RECORD.

21 (e) A CONSUMER REPORTING AGENCY THAT RECEIVES A VALID
22 REQUEST TO TEMPORARILY LIFT A FREEZE PURSUANT TO SUBSECTION
23 (7)(d) OF THIS SECTION SHALL COMPLY WITH THE REQUEST NO LATER THAN
24 THREE BUSINESS DAYS AFTER RECEIVING THE REQUEST.

25 (8) PURSUANT TO ANY PROCEDURES DEVELOPED IN ACCORDANCE
26 WITH SECTION 5-18-112 (5), A CONSUMER REPORTING AGENCY MAY USE
27 E-MAIL OR OTHER ELECTRONIC MEDIA TO RECEIVE AND PROCESS A

1 SECURITY FREEZE REQUEST OR A REQUEST TO TEMPORARILY LIFT A
2 SECURITY FREEZE.

3 (9) THIS SECTION DOES NOT APPLY TO THE USE OF A CONSUMER
4 REPORT OR RECORD BY OR FOR ANY OF THE USERS OR USES LISTED IN
5 SECTION 5-18-112 (11).

6 (10) A CONSUMER REPORTING AGENCY SHALL NOT CHARGE A FEE
7 FOR A REQUEST TO PLACE, TEMPORARILY LIFT, OR PERMANENTLY REMOVE
8 A SECURITY FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR
9 RECORD.

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

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

15 (b) THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD
16 IS FROZEN PURSUANT TO THIS SECTION; AND

17 (c) THE PROTECTED CONSUMER'S GUARDIAN OR THE PROTECTED
18 CONSUMER HAS NOT ALLOWED THE THIRD PARTY ACCESS TO THE
19 PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT TO
20 SUBSECTION (7)(d) OF THIS SECTION.

21 (12) IF A CONSUMER REPORTING AGENCY VIOLATES A SECURITY
22 FREEZE PLACED ON A PROTECTED CONSUMER'S CONSUMER REPORT OR
23 RECORD BY RELEASING INFORMATION SUBJECT TO THE SECURITY FREEZE
24 WITHOUT PROPER AUTHORIZATION TO RELEASE THE INFORMATION, THE
25 CONSUMER REPORTING AGENCY SHALL NOTIFY THE PROTECTED
26 CONSUMER'S GUARDIAN OR PROTECTED CONSUMER IN WRITING OF THE
27 RELEASE OF INFORMATION WITHIN FIVE DAYS AFTER DISCOVERING THE

1 RELEASE OF INFORMATION. THE NOTICE MUST INCLUDE THE SPECIFIC
2 INFORMATION RELEASED AND THE NAME, ADDRESS, PHONE NUMBER, AND,
3 IF AVAILABLE, E-MAIL ADDRESS OF THE RECIPIENT OF THE INFORMATION.

4 (13) A CONSUMER'S GUARDIAN OR, IF A PROTECTED CONSUMER
5 HAS DEMONSTRATED THAT HIS OR HER GUARDIAN'S PROOF OF AUTHORITY
6 IS NO LONGER VALID PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION,
7 A PROTECTED CONSUMER MAY DISPUTE INFORMATION IN THE PROTECTED
8 CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT TO THE
9 PROCEDURES SET FORTH IN SECTION 5-18-110 AND MAY REQUEST THAT A
10 CONSUMER REPORTING AGENCY BLOCK THE REPORTING OF INFORMATION
11 IN THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT
12 TO SECTION 5-18-111.

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 5-18-114 as
14 follows:

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

1 **SECTION 4.** In Colorado Revised Statutes, 5-18-115, **amend** (1),
2 (2) introductory portion, and (2)(b) as follows:

3 **5-18-115. Security freeze - exemptions.** (1) (a) EXCEPT AS
4 SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION, sections 5-18-112 to
5 5-18-114 ~~shall~~ DO not apply to a consumer reporting agency that:

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

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

11 (b) A consumer reporting agency shall honor any security freeze
12 placed on a consumer report OR RECORD by another consumer reporting
13 agency.

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

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

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

24 **5-18-116. Consumer's right to file action in court or arbitrate**
25 **disputes.** (1) A CONSUMER, PROTECTED CONSUMER, OR PROTECTED
26 CONSUMER'S GUARDIAN MAY BRING an action to enforce any obligation ~~of~~
27 a consumer reporting agency HAS to a consumer, PROTECTED CONSUMER,

1 OR PROTECTED CONSUMER'S GUARDIAN under this article 18 ~~may be~~
2 ~~brought~~ in any court of competent jurisdiction as provided by the federal
3 "Fair Credit Reporting Act", 15 U.S.C. SEC. 1681 ET SEQ., AS AMENDED,
4 or ~~submitted~~ SUBMIT AN ENFORCEMENT ACTION to binding arbitration, IN
5 THE MANNER SET FORTH IN THE RULES OF THE AMERICAN ARBITRATION
6 ASSOCIATION TO DETERMINE WHETHER THE CONSUMER REPORTING
7 AGENCY MET ITS OBLIGATIONS UNDER THIS ARTICLE 18, after the
8 consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN
9 has followed, AS APPLICABLE:

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

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

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

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

26 (3) The results of an arbitration action brought against a consumer
27 reporting agency doing business in this state shall be communicated in a

1 timely manner with all other consumer reporting agencies doing business
2 in this state. If, as a result of an arbitration, a determination is made in
3 favor of the consumer, PROTECTED CONSUMER, OR PROTECTED
4 CONSUMER'S GUARDIAN, any adverse information in the consumer's OR
5 PROTECTED CONSUMER'S file, REPORT, or record shall be blocked,
6 removed, or stricken in a timely manner, or the consumer report OR
7 RECORD shall be frozen within five days ~~of~~ AFTER receipt of the
8 determination by the consumer reporting agency. If the adverse
9 information is not blocked, removed, or stricken, or the file is not frozen,
10 the consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
11 GUARDIAN may bring an action against the noncomplying agency pursuant
12 to this section notwithstanding the one-hundred-twenty-day waiting
13 period.

14 **SECTION 6.** In Colorado Revised Statutes, **amend** 5-18-117 as
15 follows:

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

26 (2)(a) ~~Any~~ A consumer reporting agency that negligently violates
27 this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec.

1 1681c, as amended, ~~shall be~~ IS liable for the greater of actual damages or
2 one thousand dollars for each violation of section 5-18-112 OR
3 5-18-112.5, or for each inaccurate or unblocked entry in the consumer's
4 OR PROTECTED CONSUMER'S file that was disputed or alleged BY THE
5 CONSUMER, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S
6 GUARDIAN to be unauthorized in accordance with section 5-18-111, ~~by the~~
7 ~~consumer~~ that affects the consumer's creditworthiness, as defined in
8 section 5-18-103 (6), plus reasonable attorney fees and costs if:

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

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

14 (B) Send the consumer, PROTECTED CONSUMER, OR PROTECTED
15 CONSUMER'S GUARDIAN and, upon request of the consumer, PROTECTED
16 CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN, any person who has
17 requested the consumer information, written notification of the corrective
18 action, in accordance with section 5-18-110 (6), ~~or section 5-18-112, OR~~
19 5-18-112.5; or if;

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

24 (b) ~~Any~~ A consumer reporting agency that negligently violates
25 this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec.
26 1681c, as amended, ~~shall be~~ IS liable for the greater of actual damages or
27 one thousand dollars for all violations of section 5-18-112 OR 5-18-112.5

1 or all inaccurate or unblocked entries in the consumer's OR PROTECTED
2 CONSUMER'S file that were disputed or alleged BY THE CONSUMER,
3 PROTECTED CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN to be
4 unauthorized in accordance with section 5-18-111, ~~or section 5-18-112,~~
5 ~~by the consumer~~ OR 5-18-112.5 AND that did not affect the consumer's OR
6 PROTECTED CONSUMER'S creditworthiness, plus reasonable attorney fees
7 and costs if:

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

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

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

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

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

1 unfrozen consumer report OR RECORD or inaccurate or unblocked entry
2 that remains in the consumer's OR PROTECTED CONSUMER'S file until the
3 inaccurate entry is corrected or blocked, or the consumer report OR
4 RECORD is frozen.

5 **SECTION 7. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly (August 8, 2018, if adjournment sine die is on May 9,
9 2018); except that, if a referendum petition is filed pursuant to section 1
10 (3) of article V of the state constitution against this act or an item, section,
11 or part of this act within such period, then the act, item, section, or part
12 will not take effect unless approved by the people at the general election
13 to be held in November 2018 and, in such case, will take effect on the
14 date of the official declaration of the vote thereon by the governor.

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