

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB1311

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Byron

3. Committee: Passed both Houses

4. Title: **Freezing access to credit reports**

5. Summary: The bill authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A fee of up to \$10 may be charged for establishing or lifting a freeze, except identity theft victims are not required to pay a fee except for a temporary lifting of the freeze within 15 minutes of receipt of certain electronic requests. A person who willfully fails to comply with the requirements is liable to a consumer for actual damages of between \$100 and \$1,000, punitive damages, and reasonable attorney fees. A person who negligently fails to comply with the requirements is liable to a consumer for actual damages and reasonable attorney fees. The Attorney General is authorized to take enforcement action. Willful violations are subject to a civil penalty of not more than \$1,000. SB 576 is identical.

6. Fiscal Impact Estimates: Indeterminate. See Item 8.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: The cost for the Attorney General's Office cannot be estimated, although it should be minimal. The bill limits the office's authority to bringing action for violation of the provision that a consumer protection agency shall lift the freeze within 15 minutes of a request through electronic contact method. The bill provides for the Attorney General's Office to recover any costs, reasonable expenses, and attorney's fees.

The fine revenue to the Literary fund may not be estimated.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General.

10. Technical Amendment Necessary: No.

11. Other Comments: The bill incorporates HB 1339, HB 785, HB 607, HB 897, HB 1307, HB 35, HB 345, HB 4, HB 175, and HB 16.

Date: 3/5/2008 dpbkbs

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cc: Secretary of Agriculture and Forestry