

## Department of Planning and Budget

### 2007 Fiscal Impact Statement

**1. Bill Number:** SB1030

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** O'Brien

**3. Committee:** Commerce and Labor

**4. Title:** Credit report security freeze; penalties.

**5. Summary/Purpose:** The bill authorizes an individual 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 permanently or temporarily un-freeze his report. Certain disclosures are exempt from the freeze. A consumer reporting agency may charge a fee of no more than \$10 for establishing a freeze, removing a freeze, or temporarily lifting a freeze, except that a consumer reporting agency shall not charge a fee to a victim of identity theft. Violations are a prohibited practice under the Consumer Protection Act.

**6. No fiscal impact.**

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** In addition to providing for damage awards to individuals, the Virginia Consumer Protection Act also provides for civil penalties and attorney's fees. Those penalties can be of up to \$2,500 per violation and go to the Literary Fund. If a person violates an assurance of voluntary compliance or an injunction issued pursuant to the Act, he can be subject to a civil penalty of up to \$5,000 per violation, which also go to the Literary Fund. In addition, the authorities prosecuting the case may recover additional costs for investigative expenses and attorney's fees. The additional costs go into the general fund of the Commonwealth or the corresponding locality.

**9. Specific agency or political subdivisions affected:** Department of Agriculture and Consumer Services.

**10. Technical amendment necessary:** No.

**11. Other comments:** None.

**Date:** 1/19/07 kbs

**Document:** G:\07 FIS\DACS\SB1030.Doc

**cc:** Secretary of Agriculture and Forestry