

HOUSE BILL 117

I3
HB 1202/06 – ECM

71r0761

By: **Delegates Lee, Rudolph, Goldwater, Ali, Anderson, Aumann, Barkley, Bobo, Bronrott, Dumais, Frank, Gaines, Gilchrist, Harrison, Hecht, Howard, Hucker, Impallaria, Ivey, James, Kach, Kaiser, Kirk, Krysiak, Kullen, Lawton, Manno, McDonough, Montgomery, Nathan-Pulliam, Niemann, O'Donnell, Rice, Shank, Shewell, Simmons, Smigiel, Stifler, Stocksdale, Stukes, Taylor, F. Turner, Valderrama, Vallario, Vaughn, and Waldstreicher**

Introduced and read first time: January 24, 2007
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Consumer Reporting Agencies – Security Freezes**

3 FOR the purpose of authorizing a consumer to elect to place a security freeze on the
4 consumer's consumer report; establishing procedures for requesting a security
5 freeze; requiring a consumer reporting agency to place a security freeze on a
6 consumer's consumer report within certain time periods after certain requests
7 are received and to take certain actions within a certain number of business
8 days after placing a security freeze on a consumer's consumer report; providing
9 that while a security freeze is in place, a consumer reporting agency may not
10 provide any information in a consumer's consumer report without certain
11 authorization of the consumer; requiring a consumer reporting agency to give
12 certain notice to a consumer if any person requests access to a consumer's
13 consumer report under certain circumstances; establishing procedures for
14 requesting a security freeze to be lifted temporarily or removed; requiring a
15 consumer reporting agency to temporarily lift or remove a security freeze within
16 a certain number of business days after receiving a request from a consumer;
17 prohibiting a consumer reporting agency from charging a consumer for any
18 service relating to a security freeze, subject to certain exceptions; requiring a
19 consumer reporting agency to give certain notices to a consumer at certain
20 times; authorizing a consumer who is affected by a violation of certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 provisions of this Act to bring a certain action; establishing certain penalties;
2 providing for the application of this Act; defining certain terms; providing for a
3 delayed effective date; and generally relating to consumer reporting agencies
4 and security freezes on consumer reports.

5 BY repealing and reenacting, with amendments,
6 Article – Commercial Law
7 Section 14–1202(a)
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2006 Supplement)

10 BY adding to
11 Article – Commercial Law
12 Section 14–1202.1
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2006 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Commercial Law**

18 14–1202.

19 (a) Subject to subsection (b) of this section and [§ 14–1205] §§ **14–1202.1**
20 **AND 14–1205** of this subtitle, a consumer reporting agency may furnish a consumer
21 report under the following circumstances and no other:

22 (1) In response to the order of a court having jurisdiction to issue the
23 order;

24 (2) In accordance with the written instructions of the consumer to
25 whom it relates; or

26 (3) To a person which the agency has reason to believe:

27 (i) Intends to use the information in connection with a credit
28 transaction involving the consumer on whom the information is to be furnished and
29 involving the extension of credit to, or review or collection of an account of, the
30 consumer;

31 (ii) Intends to use the information for employment purposes;

1 (iii) Intends to use the information in connection with the
2 underwriting of insurance involving the consumer;

3 (iv) Intends to use the information in connection with a
4 determination of the consumer's eligibility for a license or other benefit granted by a
5 governmental instrumentality required by law to consider an applicant's financial
6 responsibility or status; or

7 (v) Otherwise has a legitimate business need for the
8 information in connection with a business transaction involving the consumer.

9 **14-1202.1.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (2) "ACCOUNT REVIEW" INCLUDES ACTIVITIES RELATED TO
13 ACCOUNT MAINTENANCE, ACCOUNT MONITORING, CREDIT LINE INCREASES,
14 AND ACCOUNT UPGRADES AND ENHANCEMENTS.

15 (3) "SECURITY FREEZE" MEANS A RESTRICTION PLACED ON A
16 CONSUMER'S CONSUMER REPORT AT THE REQUEST OF THE CONSUMER THAT
17 PROHIBITS A CONSUMER REPORTING AGENCY FROM RELEASING THE
18 CONSUMER'S CONSUMER REPORT OR ANY INFORMATION DERIVED FROM THE
19 CONSUMER'S CONSUMER REPORT WITHOUT THE EXPRESS AUTHORIZATION OF
20 THE CONSUMER.

21 (B) THIS SECTION DOES NOT APPLY TO THE USE OF A CONSUMER'S
22 CONSUMER REPORT BY:

23 (1) A PERSON, OR A SUBSIDIARY, AFFILIATE, AGENT, OR
24 ASSIGNEE OF THE PERSON, WITH WHICH THE CONSUMER HAS, OR PRIOR TO
25 ASSIGNMENT HAD, AN ACCOUNT, CONTRACT, OR DEBTOR-CREDITOR
26 RELATIONSHIP, FOR THE PURPOSE OF ACCOUNT REVIEW OR COLLECTING THE
27 FINANCIAL OBLIGATION OWING FOR THE ACCOUNT, CONTRACT, OR DEBT;

28 (2) A PERSON THAT WAS GIVEN ACCESS TO THE CONSUMER'S
29 CONSUMER REPORT UNDER SUBSECTION (E) OF THIS SECTION FOR THE

1 PURPOSE OF FACILITATING AN EXTENSION OF CREDIT TO THE CONSUMER OR
2 ANOTHER PERMISSIBLE USE;

3 (3) A PERSON ACTING IN ACCORDANCE WITH A COURT ORDER,
4 WARRANT, OR SUBPOENA;

5 (4) A UNIT OF STATE OR LOCAL GOVERNMENT THAT
6 ADMINISTERS A PROGRAM FOR ESTABLISHING AND ENFORCING CHILD
7 SUPPORT OBLIGATIONS;

8 (5) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN
9 CONNECTION WITH A FRAUD INVESTIGATION CONDUCTED BY THE
10 DEPARTMENT;

11 (6) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION,
12 THE COMPTROLLER, OR ANY OTHER STATE OR LOCAL TAXING AUTHORITY IN
13 CONNECTION WITH:

14 (I) AN INVESTIGATION CONDUCTED BY THE DEPARTMENT,
15 COMPTROLLER, OR TAXING AUTHORITY;

16 (II) THE COLLECTION OF DELINQUENT TAXES OR UNPAID
17 COURT ORDERS BY THE DEPARTMENT, COMPTROLLER, OR TAXING AUTHORITY;
18 OR

19 (III) THE PERFORMANCE OF ANY OTHER DUTY PROVIDED
20 FOR BY LAW;

21 (7) A PERSON FOR THE PURPOSE OF PRESCREENING, AS DEFINED
22 BY THE FEDERAL FAIR CREDIT REPORTING ACT;

23 (8) A PERSON ADMINISTERING A CREDIT FILE MONITORING
24 SUBSCRIPTION SERVICE TO WHICH THE CONSUMER HAS SUBSCRIBED; OR

25 (9) A PERSON PROVIDING A CONSUMER WITH A COPY OF THE
26 CONSUMER'S CONSUMER REPORT ON REQUEST OF THE CONSUMER.

27 (C) (1) A CONSUMER MAY ELECT TO PLACE A SECURITY FREEZE ON
28 THE CONSUMER'S CONSUMER REPORT BY:

- 1 **(I) WRITTEN REQUEST SENT BY CERTIFIED MAIL;**
- 2 **(II) TELEPHONE;**
- 3 **(III) ELECTRONIC MAIL USING AN ELECTRONIC POSTMARK**
4 **IF A SECURE ELECTRONIC MAIL CONNECTION IS MADE AVAILABLE BY THE**
5 **CONSUMER REPORTING AGENCY; OR**
- 6 **(IV) IF THE CONSUMER REPORTING AGENCY MAKES A**
7 **SECURE CONNECTION AVAILABLE ON ITS WEBSITE, AN ELECTRONIC REQUEST**
8 **THROUGH THAT SECURE CONNECTION.**
- 9 **(2) A CONSUMER REPORTING AGENCY SHALL REQUIRE A**
10 **CONSUMER TO PROVIDE PROPER IDENTIFICATION WHEN REQUESTING A**
11 **SECURITY FREEZE.**
- 12 **(3) A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY**
13 **FREEZE ON A CONSUMER'S CONSUMER REPORT WITHIN:**
- 14 **(I) 5 BUSINESS DAYS AFTER RECEIVING A WRITTEN OR**
15 **TELEPHONE REQUEST; OR**
- 16 **(II) 3 BUSINESS DAYS AFTER RECEIVING AN ELECTRONIC**
17 **MAIL REQUEST MADE BY ELECTRONIC MAIL OR BY SECURE CONNECTION ON**
18 **THE WEBSITE OF THE CONSUMER REPORTING AGENCY.**
- 19 **(4) WITHIN 5 BUSINESS DAYS AFTER PLACING A SECURITY**
20 **FREEZE ON A CONSUMER'S CONSUMER REPORT, THE CONSUMER REPORTING**
21 **AGENCY SHALL:**
- 22 **(I) SEND A WRITTEN CONFIRMATION OF THE SECURITY**
23 **FREEZE TO THE CONSUMER;**
- 24 **(II) PROVIDE THE CONSUMER WITH A UNIQUE PERSONAL**
25 **IDENTIFICATION NUMBER OR PASSWORD TO BE USED BY THE CONSUMER WHEN**
26 **AUTHORIZING THE RELEASE OF THE CONSUMER'S CONSUMER REPORT FOR A**
27 **SPECIFIC PERIOD OF TIME; AND**

1 **3. ELECTRONIC MAIL USING AN ELECTRONIC**
2 **POSTMARK IF A SECURE ELECTRONIC MAIL CONNECTION IS MADE AVAILABLE**
3 **TO THE CONSUMER BY THE CONSUMER REPORTING AGENCY; OR**

4 **4. ELECTRONIC REQUEST IF A SECURE CONNECTION**
5 **IS MADE AVAILABLE ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY;**

6 **(II) REQUEST THAT THE SECURITY FREEZE BE**
7 **TEMPORARILY LIFTED; AND**

8 **(III) PROVIDE THE FOLLOWING TO THE CONSUMER**
9 **REPORTING AGENCY:**

10 **1. PROPER IDENTIFICATION;**

11 **2. THE UNIQUE PERSONAL IDENTIFICATION**
12 **NUMBER OR PASSWORD PROVIDED TO THE CONSUMER UNDER SUBSECTION**
13 **(C)(4)(II) OF THIS SECTION; AND**

14 **3. THE PROPER INFORMATION REGARDING THE**
15 **TIME PERIOD DURING WHICH THE CONSUMER REPORT IS TO BE AVAILABLE TO**
16 **USERS OF THE CONSUMER REPORT.**

17 **(2) A CONSUMER REPORTING AGENCY SHALL COMPLY WITH A**
18 **REQUEST MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 5**
19 **BUSINESS DAYS AFTER RECEIVING THE REQUEST.**

20 **(3) A CONSUMER REPORTING AGENCY MAY DEVELOP**
21 **PROCEDURES INVOLVING THE USE OF TELEPHONE, FACSIMILE, THE INTERNET,**
22 **ELECTRONIC MAIL, OR OTHER ELECTRONIC MEDIA TO RECEIVE AND PROCESS,**
23 **IN AN EXPEDITED MANNER, A REQUEST FROM A CONSUMER TO TEMPORARILY**
24 **LIFT OR REMOVE A SECURITY FREEZE ON THE CONSUMER'S CONSUMER**
25 **REPORT.**

26 **(F) IF, IN CONNECTION WITH AN APPLICATION FOR CREDIT OR FOR ANY**
27 **OTHER USE, A PERSON REQUESTS ACCESS TO A CONSUMER'S CONSUMER**
28 **REPORT WHILE A SECURITY FREEZE IS IN PLACE AND THE CONSUMER DOES NOT**
29 **AUTHORIZE ACCESS TO THE CONSUMER'S CONSUMER REPORT, THE PERSON**
30 **MAY TREAT THE APPLICATION AS INCOMPLETE.**

1 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, A CONSUMER REPORTING AGENCY MAY REMOVE OR**
3 **TEMPORARILY LIFT A SECURITY FREEZE PLACED ON A CONSUMER'S CONSUMER**
4 **REPORT ONLY ON REQUEST OF THE CONSUMER MADE UNDER SUBSECTION (E)**
5 **OR (H) OF THIS SECTION.**

6 **(2) (I) A CONSUMER REPORTING AGENCY MAY REMOVE A**
7 **SECURITY FREEZE PLACED ON A CONSUMER'S CONSUMER REPORT IF**
8 **PLACEMENT OF THE SECURITY FREEZE WAS BASED ON A MATERIAL**
9 **MISREPRESENTATION OF FACT BY THE CONSUMER.**

10 **(II) IF A CONSUMER REPORTING AGENCY INTENDS TO**
11 **REMOVE A SECURITY FREEZE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH,**
12 **THE CONSUMER REPORTING AGENCY SHALL NOTIFY THE CONSUMER IN**
13 **WRITING OF ITS INTENT AT LEAST 5 BUSINESS DAYS BEFORE REMOVING THE**
14 **SECURITY FREEZE.**

15 **(H) (1) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, A**
16 **SECURITY FREEZE SHALL REMAIN IN PLACE UNTIL THE CONSUMER REQUESTS**
17 **THAT THE SECURITY FREEZE BE REMOVED.**

18 **(2) A CONSUMER REQUESTING THAT A SECURITY FREEZE BE**
19 **REMOVED SHALL PROVIDE:**

20 **(I) PROPER IDENTIFICATION; AND**

21 **(II) THE UNIQUE PERSONAL IDENTIFICATION NUMBER OR**
22 **PASSWORD PROVIDED BY THE CONSUMER REPORTING AGENCY UNDER**
23 **SUBSECTION (C)(4)(II) OF THIS SECTION.**

24 **(3) A CONSUMER REPORTING AGENCY SHALL REMOVE A**
25 **SECURITY FREEZE WITHIN 3 BUSINESS DAYS AFTER RECEIVING A REQUEST FOR**
26 **REMOVAL.**

27 **(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
28 **SUBSECTION, AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A**
29 **CONSUMER MAY NOT BE CHARGED FOR ANY SERVICE RELATING TO A SECURITY**
30 **FREEZE.**

1 (2) A CONSUMER REPORTING AGENCY MAY CHARGE A
2 REASONABLE FEE, NOT EXCEEDING \$5, IF A CONSUMER FAILS TO RETAIN THE
3 ORIGINAL UNIQUE PERSONAL IDENTIFICATION NUMBER OR PASSWORD
4 PROVIDED TO THE CONSUMER BY THE CONSUMER REPORTING AGENCY UNDER
5 SUBSECTION (C)(4)(II) OF THIS SECTION, AND THE CONSUMER REPORTING
6 AGENCY MUST REISSUE THE SAME OR A NEW UNIQUE PERSONAL
7 IDENTIFICATION NUMBER OR PASSWORD.

8 (3) A CONSUMER REPORTING AGENCY MAY CHARGE A
9 REASONABLE FEE, NOT EXCEEDING \$5, FOR EACH OF THE FOLLOWING
10 REQUESTS MADE DURING A 12-MONTH PERIOD:

11 (I) A SECOND OR SUBSEQUENT REQUEST TO PLACE A
12 SECURITY FREEZE ON THE CONSUMER'S CONSUMER REPORT;

13 (II) A SECOND OR SUBSEQUENT REQUEST TO TEMPORARILY
14 LIFT A SECURITY FREEZE PLACED ON THE CONSUMER'S CONSUMER REPORT; OR

15 (III) A SECOND OR SUBSEQUENT REQUEST TO REMOVE
16 PERMANENTLY A SECURITY FREEZE.

17 (4) A CONSUMER REPORTING AGENCY MAY NOT CHARGE ANY FEE
18 UNDER THIS SECTION TO A CONSUMER WHO:

19 (I) HAS OBTAINED A REPORT OF ALLEGED IDENTITY
20 FRAUD AGAINST THE CONSUMER UNDER § 8-304 OF THE CRIMINAL LAW
21 ARTICLE; AND

22 (II) PROVIDES A COPY OF THE REPORT TO THE CONSUMER
23 REPORTING AGENCY.

24 (J) AT ANY TIME THAT A CONSUMER IS ENTITLED TO RECEIVE A
25 SUMMARY OF RIGHTS UNDER § 609 OF THE FEDERAL FAIR CREDIT REPORTING
26 ACT OR § 14-1206 OF THIS SUBTITLE, THE FOLLOWING NOTICE SHALL BE
27 INCLUDED:

28 "NOTICE

1 **YOU HAVE A RIGHT, UNDER § 14-1202.1 OF THE COMMERCIAL LAW**
2 **ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TO PLACE A SECURITY**
3 **FREEZE ON YOUR CREDIT REPORT AT NO CHARGE TO YOU. THE SECURITY**
4 **FREEZE WILL PROHIBIT A CONSUMER REPORTING AGENCY FROM RELEASING**
5 **ANY INFORMATION IN YOUR CREDIT REPORT WITHOUT YOUR EXPRESS**
6 **AUTHORIZATION. THE PURPOSE OF A SECURITY FREEZE IS TO PREVENT**
7 **CREDIT, LOANS, AND SERVICES FROM BEING APPROVED IN YOUR NAME**
8 **WITHOUT YOUR CONSENT.**

9 **YOU MAY ELECT TO HAVE A CONSUMER REPORTING AGENCY PLACE A**
10 **SECURITY FREEZE ON YOUR CREDIT REPORT BY WRITTEN REQUEST SENT BY**
11 **CERTIFIED MAIL, BY TELEPHONE, OR BY ELECTRONIC MAIL OR THE INTERNET**
12 **IF THE CONSUMER REPORTING AGENCY PROVIDES A SECURE ELECTRONIC**
13 **CONNECTION. THE CONSUMER REPORTING AGENCY MUST PLACE A SECURITY**
14 **FREEZE ON YOUR CREDIT REPORT WITHIN 5 BUSINESS DAYS AFTER YOUR**
15 **REQUEST IS RECEIVED. WITHIN 5 BUSINESS DAYS AFTER A SECURITY FREEZE IS**
16 **PLACED ON YOUR CREDIT REPORT, YOU WILL BE PROVIDED WITH A UNIQUE**
17 **PERSONAL IDENTIFICATION NUMBER OR PASSWORD TO USE IF YOU WANT TO**
18 **REMOVE THE SECURITY FREEZE OR TEMPORARILY LIFT THE SECURITY FREEZE**
19 **TO RELEASE YOUR CREDIT REPORT FOR A SPECIFIC PERIOD OF TIME. YOU ALSO**
20 **WILL RECEIVE INFORMATION ON THE PROCEDURES FOR REMOVING OR**
21 **TEMPORARILY LIFTING A SECURITY FREEZE.**

22 **IF YOU WANT TO TEMPORARILY LIFT THE SECURITY FREEZE ON YOUR**
23 **CREDIT REPORT, YOU MUST CONTACT THE CONSUMER REPORTING AGENCY AND**
24 **PROVIDE ALL OF THE FOLLOWING:**

25 **(1) THE UNIQUE PERSONAL IDENTIFICATION NUMBER OR**
26 **PASSWORD PROVIDED BY THE CONSUMER REPORTING AGENCY;**

27 **(2) THE PROPER IDENTIFICATION TO VERIFY YOUR IDENTITY;**
28 **AND**

29 **(3) THE PROPER INFORMATION REGARDING THE PERIOD OF**
30 **TIME FOR WHICH THE CREDIT REPORT IS TO BE AVAILABLE TO USERS OF THE**
31 **CREDIT REPORT.**

1 **A CONSUMER REPORTING AGENCY MUST COMPLY WITH A REQUEST TO**
2 **TEMPORARILY LIFT A SECURITY FREEZE ON A CREDIT REPORT WITHIN 5**
3 **BUSINESS DAYS AFTER THE REQUEST IS RECEIVED.**

4 **IF YOU ARE ACTIVELY SEEKING CREDIT, YOU SHOULD BE AWARE THAT**
5 **THE PROCEDURES INVOLVED IN LIFTING A SECURITY FREEZE MAY SLOW YOUR**
6 **OWN APPLICATIONS FOR CREDIT. YOU SHOULD PLAN AHEAD AND LIFT A**
7 **SECURITY FREEZE A FEW DAYS BEFORE ACTUALLY APPLYING FOR NEW CREDIT.**

8 **A SECURITY FREEZE DOES NOT APPLY IF YOU HAVE AN EXISTING**
9 **ACCOUNT RELATIONSHIP AND A COPY OF YOUR CREDIT REPORT IS REQUESTED**
10 **BY YOUR EXISTING CREDITOR OR ITS AGENTS OR AFFILIATES FOR CERTAIN**
11 **TYPES OF ACCOUNT REVIEW, COLLECTION, FRAUD CONTROL, OR SIMILAR**
12 **ACTIVITIES.**

13 **YOU HAVE A RIGHT TO BRING A CIVIL ACTION AGAINST ANY CONSUMER**
14 **REPORTING AGENCY OR USER OF YOUR CREDIT REPORT WHO VIOLATES YOUR**
15 **RIGHTS UNDER MARYLAND’S CREDIT REPORTING LAWS.”.**

16 **(K) (1) THE FOLLOWING PERSONS MAY NOT BE REQUIRED TO PLACE**
17 **A SECURITY FREEZE ON THE CONSUMER REPORT OF A CONSUMER:**

18 **(I) A CHECK SERVICES OR FRAUD PREVENTION SERVICES**
19 **COMPANY THAT REPORTS ON INCIDENTS OF FRAUD OR ISSUES**
20 **AUTHORIZATIONS FOR THE PURPOSE OF APPROVING OR PROCESSING**
21 **NEGOTIABLE INSTRUMENTS, ELECTRONIC FUND TRANSFERS, OR SIMILAR**
22 **METHODS OF PAYMENT;**

23 **(II) A DEPOSIT ACCOUNT INFORMATION SERVICE COMPANY**
24 **THAT ISSUES REPORTS REGARDING ACCOUNT CLOSURES DUE TO FRAUD,**
25 **SUBSTANTIAL OVERDRAFTS, AUTOMATED TELLER MACHINE ABUSE, OR SIMILAR**
26 **INFORMATION REGARDING A CONSUMER TO INQUIRING BANKS OR OTHER**
27 **FINANCIAL INSTITUTIONS FOR USE ONLY IN REVIEWING A CONSUMER REQUEST**
28 **FOR A DEPOSIT ACCOUNT AT THE INQUIRING BANK OR FINANCIAL INSTITUTION;**
29 **OR**

30 **(III) A CREDIT RATING AGENCY THAT:**

1 **1. ACTS ONLY TO RESELL CREDIT INFORMATION BY**
2 **ASSEMBLING AND MERGING INFORMATION CONTAINED IN A DATABASE OF ONE**
3 **OR MORE CONSUMER REPORTING AGENCIES; AND**

4 **2. DOES NOT MAINTAIN A PERMANENT DATABASE OF**
5 **CREDIT INFORMATION FROM WHICH NEW CONSUMER REPORTS ARE PRODUCED.**

6 **(2) A PERSON DESCRIBED IN THIS SUBSECTION IS SUBJECT TO A**
7 **SECURITY FREEZE PLACED BY A CONSUMER REPORTING AGENCY UNDER THIS**
8 **SECTION.**

9 **(L) IF A CONSUMER REPORTING AGENCY VIOLATES A SECURITY FREEZE**
10 **BY RELEASING A CONSUMER'S CONSUMER REPORT OR ANY INFORMATION IN A**
11 **CONSUMER'S CONSUMER REPORT, THE CONSUMER REPORTING AGENCY,**
12 **WITHIN 5 BUSINESS DAYS AFTER THE RELEASE, SHALL NOTIFY THE CONSUMER**
13 **OF:**

14 **(1) THE SPECIFIC INFORMATION RELEASED; AND**

15 **(2) THE NAME AND ADDRESS OF THE RECIPIENT OF THE**
16 **INFORMATION RELEASED.**

17 **(M) (1) IN ADDITION TO ANY OTHER REMEDIES THAT MAY BE**
18 **AVAILABLE UNDER THIS SUBTITLE, A CONSUMER WHO IS AFFECTED BY A**
19 **VIOLATION OF THIS SECTION MAY BRING AN ACTION AGAINST THE PERSON**
20 **THAT COMMITTED THE VIOLATION.**

21 **(2) IN AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS**
22 **SUBSECTION, A CONSUMER MAY RECOVER:**

23 **(I) A PENALTY NOT EXCEEDING \$1,000 FOR EACH**
24 **VIOLATION;**

25 **(II) ANY ACTUAL DAMAGES SUSTAINED BY THE CONSUMER**
26 **AS A RESULT OF THE VIOLATION; AND**

27 **(III) REASONABLE EXPENSES, COURT COSTS, INVESTIGATIVE**
28 **COSTS, AND ATTORNEY'S FEES.**

1 **(3) FOR PURPOSES OF IMPOSING PENALTIES UNDER PARAGRAPH**
2 **(2) OF THIS SUBSECTION, EACH INSTANCE OF A VIOLATION OF THIS SECTION IS**
3 **A SEPARATE VIOLATION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 January 1, 2008.