

SENATE BILL NO. 60

INTRODUCED BY K. GILLAN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "~~AN ACT AMENDING THE DEFINITION OF "CONSUMER" IN ORDER TO~~
~~ALLOW ALLOWING A PARENT OR, GUARDIAN, OR CONSERVATOR TO REQUEST A SECURITY FREEZE~~
FOR A MINOR ~~OR AN, INCAPACITATED PERSON, OR PROTECTED PERSON~~ WITH RESPECT TO CREDIT
REPORTS; AND AMENDING ~~SECTION~~ SECTIONS 30-14-1726 AND 30-14-1727, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-1726, MCA, is amended to read:

"30-14-1726. Definitions. As used in 30-14-1726 through 30-14-1736, the following definitions apply:

(1) "Consumer" means an individual ~~or, a parent or guardian in the case of a minor or of an incapacitated~~
person as defined in 72-5-101, OR A CONSERVATOR IN THE CASE OF A PROTECTED PERSON AS DEFINED IN 72-5-101.

(2) "Consumer reporting agency" means any person that, for monetary fees, dues, or on a cooperative
nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit
information on consumers for the purpose of furnishing credit reports to a third party and that uses any means
or facility of interstate commerce for the purpose of preparing or furnishing credit reports.

(3) "Credit report" means any written, oral, or other communication of any information by a consumer
reporting agency:

(a) bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general
reputation, personal characteristics, or mode of living; and

(b) that is used or expected to be used in whole or in part for the purpose of serving as a factor in
establishing the consumer's eligibility for:

(i) credit to be used primarily for personal, family, or household purposes;

(ii) employment purposes; or

(iii) any other purpose authorized under 15 U.S.C. 1681(b).

(4) "Person" means an individual, partnership, corporation, trust, estate, cooperative, association,
government or governmental subdivision or agency, or other entity.

- 1 (5) "Proper identification" means information sufficient to verify identity.
- 2 (6) "Reviewing the account" or "account review" includes activities related to account maintenance,
3 monitoring, credit line increases, and account upgrades and enhancements.
- 4 (7) (a) "Security freeze" means a notice that:
- 5 (i) is placed in a consumer's credit report at the request of the consumer;
- 6 (ii) is subject to exceptions and exemptions provided in 30-14-1734;
- 7 (iii) prohibits the consumer reporting agency from releasing all or any part of the consumer's credit report
8 or credit score without the express authorization of the consumer, as provided in 30-14-1729.
- 9 (b) A security freeze does not prevent a consumer reporting agency from advising a third party that a
10 security freeze is in effect with respect to the consumer's credit report."

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12 **SECTION 2. SECTION 30-14-1727, MCA, IS AMENDED TO READ:**

13 **"30-14-1727. Placement of security freeze. (1)** A consumer may elect to place a security freeze on
14 the consumer's own credit report by making a request:

15 ~~(1)(a)~~ in writing by regular or certified mail to a consumer reporting agency at an address designated by
16 the consumer reporting agency to receive the request; or

17 ~~(2)(b)~~ directly to the consumer reporting agency through a secure electronic connection specified by the
18 consumer reporting agency ~~by January 31, 2009.~~

19 (2) A consumer, acting in the capacity of a parent or guardian in the case of a minor or of an
20 incapacitated person as defined in 72-5-101 or a conservator in the case of a protected person as defined in
21 72-5-101, may request that a consumer reporting agency place a freeze on the credit report of the minor or
22 incapacitated or protected person by making a request in writing to the consumer reporting agency at an address
23 designated by the consumer reporting agency to receive the request."

24 - END -