

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

H. B. No. 386

Representatives Henne, Kelly

Cosponsors: Representatives Rogers, Boggs, Dever, Hambley, Arndt, Riedel, Becker, West, DeVitis, Romanchuk, Smith, K., Leland, Anielski, Barnes, Boyd, Celebrezze, Clyde, Craig, Duffey, Green, Holmes, Ingram, Johnson, Kent, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Reece, Retherford, Scherer, Schuring, Sheehy, Strahorn, Young, Speaker Smith

A BILL

To amend sections 1349.52 and 1349.521 of the Revised Code to modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1349.52 and 1349.521 of the Revised Code be amended to read as follows:

Sec. 1349.52. (A) As used in this section and in section 1349.521 of the Revised Code:

(1) "Adult protected consumer" means a protected consumer who is not a minor protected consumer.

(2) "Consumer credit 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 maintaining consumers' credit information for the purpose of furnishing credit reports to third parties.

(3) "Credit report" means any written, oral, or other communication of any credit information by a consumer credit reporting agency that operates or maintains a database of consumer credit information bearing on a consumer's credit worthiness, credit standing, or credit capacity. "Credit report" includes a credit record created for the purposes of complying with section 1349.521 of the Revised Code.

(4) "Credit record" means a compilation of information that meets both of the following:

(a) Identifies a protected consumer;

(b) Is created by a consumer reporting agency for the sole purpose of complying with section 1349.521 of the Revised Code.

(5) "Minor protected consumer" means an individual who is under sixteen years of age.

(6) "Protected consumer" means an individual, at the time a request for the placement of a security freeze is made, who meets either of the following:

(a) Is a minor protected consumer;

(b) Is a person for whom a guardian of the estate or conservator has been appointed.

(7) "Representative" means any person who provides sufficient proof of authority to a consumer credit reporting agency to act on the behalf of a protected consumer. "Representative" includes a parent, guardian, or conservator.

(8) "Security freeze" means a restriction placed in a consumer's or protected consumer's credit report at the request of the consumer or the protected consumer's representative that prohibits a consumer credit reporting agency from releasing all

or any part of the consumer's or protected consumer's credit 44
report or any information derived from the consumer's or 45
protected consumer's credit report relating to the extension of 46
credit without the express authorization of the consumer or 47
protected consumer's representative. 48

(9) "Sufficient proof of authority" means documentation 49
that shows a representative has authority to act on behalf of a 50
protected consumer. "Sufficient proof of authority" includes any 51
of the following: 52

(a) An order issued by a court of competent jurisdiction; 53

(b) A lawfully executed and valid power of attorney; 54

(c) A birth certificate, naming the representative as a 55
parent of the protected consumer, in the case of a minor 56
protected consumer; 57

(d) A written, notarized statement signed by the 58
representative that expressly describes the authority of the 59
representative to act on behalf of the protected consumer. 60

(10) "Sufficient proof of identity" means information or 61
documentation that identifies a protected consumer or a 62
representative of a protected consumer. "Sufficient proof of 63
identity" includes any of the following: 64

(a) A social security number or a copy of a social 65
security card issued by the social security administration; 66

(b) A certified or official copy of a birth certificate 67
issued by an entity authorized to issue the birth certificate; 68

(c) A copy of a driver's license, a state identification 69
card, or any other government-issued identification; 70

(d) A copy of a bill, including a bill for telephone, 71
sewer, septic tank, water, electric, oil, or natural gas 72
services, that shows a name and home address. 73

(11) "Other comparable service" means a service for which 74
a receipt of delivery is provided. 75

(B) (1) Except as provided in division (B) (2) of this 76
section, a consumer may elect to place a security freeze on the 77
consumer's credit report by making a request to a consumer 78
credit reporting agency in writing by certified mail or other 79
comparable service or by any secured electronic method 80
authorized by the consumer credit reporting agency. 81

(2) Security freezes for protected consumers shall be 82
governed by section 1349.521 of the Revised Code. 83

(C) A consumer credit reporting agency shall place a 84
security freeze on a credit report not later than three business 85
days after receiving a request pursuant to division (B) of this 86
section. The consumer credit reporting agency shall send a 87
written confirmation of the security freeze to the consumer 88
within five business days of placing the security freeze and, at 89
the same time, shall provide the consumer with a unique personal 90
identification number or password. The number or password shall 91
not be the consumer's social security number. 92

(D) A consumer may allow the consumer's credit report to 93
be accessed for a specific party or period of time while a 94
security freeze is in place by contacting the consumer credit 95
reporting agency by certified mail or other comparable service, 96
secure electronic method selected by the consumer credit 97
reporting agency, or telephone and requesting that the security 98
freeze be temporarily lifted, and providing all of the 99

following:	100
(1) Information generally considered sufficient to identify the consumer;	101 102
(2) The unique personal identification number or password provided by the consumer credit reporting agency pursuant to division (C) of this section;	103 104 105
(3) The proper information regarding the third party who is to receive the consumer credit report or the time period for which the consumer credit report shall be available to users of the credit report.	106 107 108 109
(E) (1) A consumer credit reporting agency that receives a request in writing by certified mail or other comparable service from a consumer to temporarily lift a security freeze on a credit report pursuant to division (D) of this section shall comply with the request not later than three business days after receiving the request.	110 111 112 113 114 115
(2) Except as otherwise provided in this section, a consumer credit reporting agency that receives a request by secure electronic method selected by the consumer credit reporting agency, telephone, or another means authorized by the consumer credit reporting agency from a consumer to temporarily lift a security freeze on a credit report pursuant to division (D) of this section shall comply with the request not later than fifteen minutes after receiving the request unless any of the following applies:	116 117 118 119 120 121 122 123 124
(a) The consumer fails to meet the requirements of division (D) of this section.	125 126
(b) The consumer credit reporting agency's ability to temporarily lift the security freeze within fifteen minutes is	127 128

prevented by an act of God, including fire, earthquakes, 129
hurricanes, storms, or similar natural disaster or phenomena; 130
unauthorized or illegal acts by a third party, including 131
terrorism, sabotage, riot, vandalism, labor strikes or disputes 132
disrupting operations, or similar occurrence; operational 133
interruption, including electrical failure, unanticipated delay 134
in equipment or replacement part delivery, computer hardware or 135
software failures inhibiting response time, or similar 136
disruption; governmental action, including emergency orders or 137
regulations, judicial or law enforcement action, or similar 138
directives; regularly scheduled maintenance, during other than 139
normal business hours of, or updates to, the consumer credit 140
reporting agency's systems; or commercially reasonable 141
maintenance of, or repair to, the consumer credit reporting 142
agency's systems that is unexpected or unscheduled. 143

(3) A consumer credit reporting agency shall remove or 144
temporarily lift a security freeze placed on a credit report 145
only in the following cases: 146

(a) Upon consumer request pursuant to division (D) of this 147
section; 148

(b) If the credit report was frozen due to a material 149
misrepresentation of fact by the consumer. If a consumer credit 150
reporting agency intends to remove a security freeze upon a 151
credit report pursuant to division (E) (3) (b) of this section, 152
the consumer credit reporting agency shall notify the consumer 153
in writing at least five business days prior to removing the 154
security freeze on the credit report. 155

(F) A consumer credit reporting agency, when required by 156
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 157
1681g(c), to provide a summary of rights, or when receiving a 158

request from a consumer for information about a security freeze, 159
shall provide the following written notice: 160

"Ohio Consumers Have the Right to Obtain a Security 161
Freeze: 162

You may obtain a security freeze on your credit report to 163
protect your privacy and ensure that credit is not granted in 164
your name without your knowledge. You have a right to place a 165
"security freeze" on your credit report pursuant to Ohio law. 166
The security freeze will prohibit a consumer credit reporting 167
agency from releasing any information in your credit report 168
without your express authorization or approval. The security 169
freeze is designed to prevent credit, loans, and services from 170
being approved in your name without your consent. When you place 171
a security freeze on your credit report, within five business 172
days you will be provided a personal identification number or 173
password to use if you choose to remove the security freeze on 174
your credit report or to temporarily authorize the release of 175
your credit report for a specific party or parties or for a 176
specific period of time after the security freeze is in place. 177
To provide that authorization, you must contact the consumer 178
credit reporting agency and provide all of the following: 179

(a) Information generally considered sufficient to 180
identify the consumer; 181

(b) The unique personal identification number or password 182
provided by the consumer credit reporting agency; 183

(c) The proper information regarding the third party who 184
is to receive the consumer credit report or the time period for 185
which the credit report shall be available to users of the 186
credit report. 187

A consumer credit reporting agency that receives a request 188
from a consumer to temporarily lift a security freeze on a 189
credit report shall comply with the request not later than 190
fifteen minutes after receiving the request. 191

A security freeze does not apply to circumstances in which 192
you have an existing account relationship and a copy of your 193
report is requested by your existing creditor or its agents or 194
affiliates for certain types of account review, collection, 195
fraud control, or similar activities. 196

If you are actively seeking credit, you should understand 197
that the procedures involved in lifting a security freeze may 198
slow your own applications for credit. You should plan ahead and 199
lift a freeze, either completely if you are shopping around, or 200
specifically for a certain creditor, a few days before actually 201
applying for new credit." 202

(G) Except as otherwise provided in division (E) of this 203
section, a consumer credit reporting agency shall keep a 204
security freeze in place until the consumer requests that the 205
security freeze be removed. A consumer credit reporting agency 206
shall remove a security freeze within three business days of 207
receiving a request by telephone or by any other means 208
authorized by the consumer credit reporting agency for removal 209
from the consumer when the consumer provides the following: 210

(1) Information generally considered sufficient to 211
identify the consumer; 212

(2) The unique personal identification number or password 213
provided by the consumer credit reporting agency pursuant to 214
division (C) of this section. 215

(H) A consumer credit reporting agency may release a 216

credit report on which a security freeze has been placed to the 217
following: 218

(1) A person, or subsidiary, affiliate, or agent of that 219
person, or an assignee of a financial obligation owing by the 220
consumer to that person, or a prospective assignee of a 221
financial obligation owing by the consumer to that person in 222
conjunction with the proposed purchase of the financial 223
obligation, with which the consumer has or had prior to 224
assignment an account or contract, including a demand deposit 225
account, or to whom the consumer issued a negotiable instrument, 226
for the purposes of reviewing the account or collecting the 227
financial obligation owing for the account, contract, or 228
negotiable instrument. For purposes of this paragraph, 229
"reviewing the account" includes activities related to account 230
maintenance, monitoring, credit line increases, and account 231
upgrades and enhancements. 232

(2) A subsidiary, affiliate, agent, assignee, or 233
prospective assignee of a person to whom access has been granted 234
under division (D) of this section, for purposes of facilitating 235
the extension of credit or other permissible use; 236

(3) Any state or local law enforcement agency, trial 237
court, or private collection agency acting pursuant to a court 238
order, warrant, or subpoena; 239

(4) Any federal, state, or local governmental entity, 240
agency, or instrumentality that is acting within the entity's, 241
agency's, or instrumentality's authority; 242

(5) A state or local child support enforcement agency; 243

(6) A person seeking to use the information contained in 244
the consumer's credit report for the purpose of prescreening 245

pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128	246
(1970), 15 U.S.C. 1681 et seq.;	247
(7) Any person or entity administering a credit file	248
monitoring subscription service to which the consumer has	249
subscribed;	250
(8) Any person or entity providing a consumer with a copy	251
of the consumer's credit report upon the consumer's request;	252
(9) Any person or entity for use in setting or adjusting a	253
rate, adjusting a claim, or underwriting for insurance purposes;	254
(10) Any person or entity acting to investigate fraud or	255
acting to investigate or collect delinquent taxes or unpaid	256
court orders provided those responsibilities are consistent with	257
section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681	258
et seq.	259
(I) (1) A consumer credit reporting agency may <u>shall not</u>	260
charge a consumer a reasonable fee not to exceed five dollars	261
for placing a security freeze on that consumer's credit report.	262
If the consumer is a victim of a violation of section 2913.49 of	263
the Revised Code, the consumer credit reporting agency shall not	264
charge a fee to place a security freeze on that consumer's	265
credit report, but that consumer shall send a copy of the police	266
report related to the violation of section 2913.49 of the	267
Revised Code to the consumer credit reporting agency.	268
(2) A consumer credit reporting agency may <u>shall not</u>	269
charge a consumer a reasonable fee not to exceed five dollars	270
for removing or temporarily lifting a security freeze on that	271
consumer's credit report if the consumer elects to remove or	272
temporarily lift the security freeze on the consumer's credit	273
report for a specific creditor and may or <u>charge</u> a consumer a	274

~~reasonable fee not to exceed five dollars~~ if the consumer elects 275
to temporarily lift the security freeze for a specified period 276
of time. 277

(3) A consumer credit reporting agency may charge a 278
reasonable fee not to exceed five dollars to a consumer who 279
fails to retain the original personal identification number 280
provided by the consumer credit reporting agency and must be 281
reissued the same or a new personal identification number. 282

(J) If a security freeze is in place, a consumer credit 283
reporting agency shall not change any of the following official 284
information in a credit report without sending a written 285
confirmation of the change to the consumer within thirty days of 286
the change being posted to the consumer's file: name; date of 287
birth; social security number; or address. Written confirmation 288
is not required for technical modifications of a consumer's 289
official information, including name and street abbreviations, 290
complete spellings, or transposition of numbers or letters. In 291
the case of an address change, the written confirmation shall be 292
sent to both the new address and to the former address. 293

(K) The provisions of this section do not apply to a 294
consumer credit reporting agency that acts only as a reseller of 295
credit information by assembling and merging information 296
contained in the database of another consumer credit reporting 297
agency or multiple consumer credit reporting agencies and does 298
not maintain a permanent database of credit information from 299
which new credit reports are produced, except that the reseller 300
of credit information shall honor any security freeze placed on 301
a credit report by another consumer credit reporting agency. 302

(L) The following entities are not required to place a 303
security freeze in a credit report: 304

(1) A check services company or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

(2) A demand deposit account information service company that issues reports, regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank or financial institution.

(3) A consumer reporting agency with regard to a database or file that is not a credit report or credit record and that consists entirely of consumer information concerning, and used solely for, one or more of the following:

- (a) Criminal record information;
- (b) Personal loss history information;
- (c) Fraud prevention or detection;
- (d) Employment screening;
- (e) Tenant screening.

(M)(1) The attorney general may conduct an investigation if the attorney general, based on complaints or the attorney general's own inquiries, has reason to believe that a consumer credit reporting agency has failed or is failing to comply with this section.

(2) In any investigation conducted pursuant to this section, the attorney general may administer oaths, subpoena

witnesses, adduce evidence, and subpoena the production of any 333
book, document, record, or other relevant matter. 334

(3) If the attorney general under division (M) (2) of this 335
section subpoenas the production of any relevant matter that is 336
located outside this state, the attorney general may designate a 337
representative, including an official of the state in which that 338
relevant matter is located, to inspect the relevant matter on 339
the attorney general's behalf. The attorney general may carry 340
out similar requests received from officials of other states. 341

(4) Any person who is subpoenaed to produce relevant 342
matter pursuant to division (M) (2) of this section shall make 343
that relevant matter available at a convenient location within 344
this state or the state of the representative designated under 345
division (M) (3) of this section. 346

(5) Any person who is subpoenaed as a witness or to 347
produce relevant matter pursuant to division (M) (2) of this 348
section may file in the court of common pleas of Franklin 349
county, the county in this state in which the person resides, or 350
the county in this state in which the person's principal place 351
of business is located a petition to extend for good cause shown 352
the date on which the subpoena is to be returned or to modify or 353
quash for good cause shown that subpoena. The person may file 354
the petition at any time prior to the date specified for the 355
return of the subpoena or within twenty days after the service 356
of the subpoena, whichever is earlier. 357

(6) Any person who is subpoenaed as a witness or to 358
produce relevant matter pursuant to division (M) (2) of this 359
section shall comply with the terms of the subpoena unless the 360
court orders otherwise prior to the date specified for the 361
return of the subpoena or, if applicable, that date as extended. 362

If a person fails without lawful excuse to obey a subpoena, the attorney general may apply to the court of common pleas for an order that does one or more of the following:

- (a) Compels the requested discovery;
- (b) Adjudges the person in contempt of court;
- (c) Grants injunctive relief to restrain the person from failing to comply with section 1347.12 or 1349.19 of the Revised Code, whichever is applicable;
- (d) Grants injunctive relief to preserve or restore the status quo;
- (e) Grants other relief that may be required until the person obeys the subpoena.

(N) (1) The attorney general has the authority to bring a civil action in a court of common pleas for appropriate relief under this section, including a temporary restraining order, preliminary or permanent injunction, and civil penalties, if it appears that a consumer credit reporting agency has failed or is failing to comply with this section. Upon its finding that a consumer credit reporting agency has intentionally or recklessly failed to comply with this section, the court shall impose a civil penalty upon the consumer credit reporting agency of up to two thousand five hundred dollars for each instance that the consumer credit reporting agency fails to comply.

(2) Any civil penalty that is assessed under division (N) (1) of this section shall be deposited into the consumer protection enforcement fund created by section 1345.51 of the Revised Code.

(3) In determining the appropriate civil penalty to assess

under division (N) (1) of this section, the court shall consider 391
all relevant factors, including the degree of the defendant's 392
culpability, any history of prior violations of this section by 393
the defendant, the defendant's ability to pay, the effect of the 394
court's decision on the defendant's ability to continue to 395
conduct the defendant's business, and whether or not the 396
defendant acted in bad faith in failing to comply with this 397
section. 398

(O) Any consumer credit reporting agency that is found by 399
the court to have failed to comply with this section is liable 400
to the attorney general for the attorney general's costs in 401
conducting an investigation and bringing an action under this 402
section. 403

(P) The rights and remedies that are provided under this 404
section are in addition to any other rights or remedies that are 405
provided by law. 406

Sec. 1349.521. (A) (1) A representative of a protected 407
consumer may elect to place a security freeze on the protected 408
consumer's credit report in the manner prescribed in division 409
(B) of this section by making a request to a consumer credit 410
reporting agency in writing by certified mail or other 411
comparable service or by any secured electronic method 412
authorized by the consumer credit reporting agency. 413

(2) A representative requesting a security freeze on a 414
protected consumer's credit report shall provide to the credit 415
reporting agency sufficient proof of authority and, for both the 416
representative and the protected consumer, sufficient proof of 417
identity. 418

(B) (1) A consumer credit reporting agency shall place a 419

security freeze on a credit report not later than thirty days 420
after receiving a request pursuant to division (A) (1) of this 421
section and the information required pursuant to division (A) (2) 422
of this section. 423

(2) The consumer credit reporting agency shall send a 424
written confirmation of the security freeze to the address 425
associated with the protected consumer within five business days 426
after placing the security freeze. 427

(C) (1) If a consumer credit reporting agency does not have 428
a credit report pertaining to a protected consumer when the 429
consumer reporting agency receives a request under division (A) 430
(1) of this section related to that protected consumer, the 431
consumer credit reporting agency shall create a credit record 432
for the protected consumer and place a security freeze upon the 433
credit record in accordance with division (B) of this section. 434

(2) A credit record created under division (C) (1) of this 435
section shall not be used to consider the protected consumer's 436
credit worthiness, credit standing, credit capacity, character, 437
general reputation, or personal characteristics. 438

(D) A consumer credit reporting agency shall remove a 439
security freeze placed on a credit report only in the following 440
cases: 441

(1) If the credit report was frozen due to a material 442
misrepresentation of fact by the protected consumer's 443
representative. If a consumer credit reporting agency intends to 444
remove a security freeze upon a credit report due to a material 445
misrepresentation, the consumer credit reporting agency shall 446
notify the protected consumer's representative in writing at 447
least five business days prior to removing the security freeze 448

on the credit report. 449

(2) A protected consumer's representative requests that 450
the security freeze be removed. A protected consumer's 451
representative shall provide all of the following when 452
requesting that a security freeze be removed: 453

(a) Sufficient proof of identity for both the protected 454
consumer and the protected consumer's representative; 455

(b) Sufficient proof of authority to act on the behalf of 456
the protected consumer. 457

(3) (a) Upon request of a protected consumer who has 458
reached sixteen years of age. 459

(b) A consumer reporting agency shall develop a procedure 460
by which a minor protected consumer, upon reaching sixteen years 461
of age, may remove the security freeze created on the minor's 462
behalf. The procedure shall, at a minimum, require the minor to 463
provide sufficient proof of identity and age. 464

(E) A consumer credit reporting agency shall remove a 465
security freeze within thirty days after receiving a request by 466
certified mail or other comparable service, secure electronic 467
method selected by the consumer credit reporting agency, 468
telephone, or by any other means authorized by the consumer 469
credit reporting agency for removal from a protected consumer's 470
representative and of receiving the information specified in 471
division (D) (2) of this section. 472

(F) A consumer credit reporting agency, when required by 473
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 474
1681g(c) to provide a summary of rights, or when providing the 475
written confirmation required under division (B) (2) of this 476
section, shall provide the following written notice: 477

"The parent or guardian of a minor under the age of 478
sixteen or the guardian or conservator of an incapacitated or 479
protected adult, collectively referred to as a "protected 480
consumer" may seek a security freeze to protect the identity of 481
a protected consumer and ensure that credit is not 482
inappropriately granted in the protected consumer's name. In 483
order to request a security freeze for a protected consumer, the 484
protected consumer's parent, guardian, or conservator must 485
present sufficient proof of authority to act on the protected 486
consumer's behalf. The parent, guardian, or conservator must 487
also present sufficient proof of identity for the parent, 488
guardian, or conservator, in addition to proof of identity for 489
the protected consumer. 490

In order for the representative of a protected consumer to 491
request the removal of a security freeze of a protected 492
consumer, the representative must contact the consumer credit 493
reporting agency and provide all of the following: 494

(a) Sufficient proof of identity for both the protected 495
consumer and the protected consumer's representative; 496

(b) Sufficient proof of authority to act on the behalf of 497
the protected consumer. 498

A minor protected consumer, upon reaching sixteen years of 499
age, may also request that the security freeze be removed. A 500
minor protected consumer making such a request must provide 501
proof of identity and age. 502

A consumer credit reporting agency that receives a proper 503
request by certified mail or other comparable service, secure 504
electronic method selected by the consumer credit reporting 505
agency, telephone, or by any other means authorized by the 506

consumer credit reporting agency to remove a security freeze on 507
a credit report shall comply with the request not later than 508
thirty days after receiving the request. 509

A security freeze does not apply to circumstances in which 510
a protected consumer already has an existing account 511
relationship and a copy of the protected consumer's credit 512
report is requested by the protected consumer's existing 513
creditor or its agents or affiliates for certain types of 514
account review, collection, fraud control, or similar 515
activities. 516

If a protected consumer is actively seeking credit, it 517
should be understood that the procedures involved in removing a 518
security freeze may slow any applications for credit. Plan ahead 519
and remove a freeze a month before actually applying for new 520
credit." 521

(G) (1) With regard to adult protected consumers, a 522
consumer credit reporting agency may release a credit report on 523
which a security freeze has been placed to the following: 524

(a) A person, or subsidiary, affiliate, or agent of that 525
person, or an assignee of a financial obligation owing by the 526
protected consumer, to that person, or a prospective assignee of 527
a financial obligation owing by the protected consumer, to that 528
person in conjunction with the proposed purchase of the 529
financial obligation, with which the protected consumer has or 530
had prior to assignment an account or contract, including a 531
demand deposit account, or to whom the protected consumer issued 532
a negotiable instrument, for the purposes of reviewing the 533
account or collecting the financial obligation owing for the 534
account, contract, or negotiable instrument. For purposes of 535
this paragraph, "reviewing the account" includes activities 536

related to account maintenance, monitoring, credit line	537
increases, and account upgrades and enhancements.	538
(b) A person seeking to use the information contained in	539
the consumer's credit report for the purpose of prescreening	540
pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128	541
(1970), 15 U.S.C. 1681 et seq.;	542
(c) Any person or entity for use in any of the following	543
insurance purposes:	544
(i) Setting or adjusting a rate;	545
(ii) Adjusting a claim;	546
(iii) Underwriting.	547
(2) With regard to all protected consumers, a consumer	548
credit reporting agency may release a credit report on which a	549
security freeze has been placed to the following:	550
(a) Any state or local law enforcement agency, trial	551
court, or private collection agency acting pursuant to a court	552
order, warrant, or subpoena;	553
(b) Any federal, state, or local governmental entity,	554
agency, or instrumentality that is acting within the entity's,	555
agency's, or instrumentality's authority;	556
(c) A state or local child support enforcement agency;	557
(d) A person seeking to use the information contained in	558
the consumer's credit report for the purpose of prescreening	559
pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128	560
(1970), 15 U.S.C. 1681 et seq.;	561
(e) Any person or entity administering a credit file	562
monitoring subscription service to which the consumer has	563

subscribed;	564
(f) Any person or entity providing the protected	565
consumer's representative with a copy of the protected	566
consumer's credit report upon the representative's request;	567
(g) Any person or entity for use in any of the following	568
insurance purposes:	569
(i) Setting or adjusting a rate;	570
(ii) Adjusting a claim;	571
(iii) Underwriting.	572
(h) Any person or entity acting to investigate fraud or	573
acting to investigate or collect delinquent taxes or unpaid	574
court orders provided those responsibilities are consistent with	575
section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681	576
et seq.	577
(i) An individual seeking to remove a security freeze	578
under division (D) (3) of this section.	579
(H) (1) Except as provided in division (H) (2) of this	580
section, a consumer credit reporting agency may charge a	581
protected consumer's representative the following fees with	582
regard to protected consumer security freezes:	583
(a) A consumer credit reporting agency may <u>shall not</u>	584
charge a protected consumer's representative a reasonable fee	585
not to exceed five dollars for placing a security freeze on that	586
protected consumer's credit report. If the protected consumer is	587
a victim of a violation of section 2913.49 of the Revised Code,	588
the consumer credit reporting agency shall not charge a fee to	589
place a security freeze on that protected consumer's credit	590
report, but that protected consumer's representative shall send	591

~~a copy of the police report related to the violation of section-~~ 592
~~2913.49 of the Revised Code to the consumer credit reporting-~~ 593
~~agency.~~ 594

(b) A consumer credit reporting agency ~~may~~ shall not 595
charge a protected consumer's representative a ~~reasonable~~ fee 596
~~not to exceed five dollars~~ for removing a security freeze on 597
that protected consumer's credit report if the protected 598
consumer's representative elects to remove the security freeze 599
on the consumer's credit report. 600

(2) A consumer credit reporting agency shall not charge 601
any fee to any of the following individuals: 602

(a) A protected consumer representative that represents a 603
child in foster care; 604

(b) A minor protected consumer, or a minor protected 605
consumer's representative, for whom a credit report already 606
exists; 607

(c) An individual seeking to remove a security freeze 608
under division (D) (3) of this section. 609

(I) If a security freeze is in place, a consumer credit 610
reporting agency shall not change any of the following official 611
information in a credit report without sending a written 612
confirmation of the change to the protected consumer's 613
representative within thirty days of the change being posted to 614
the protected consumer's file: name; date of birth; social 615
security number; or address. Written confirmation is not 616
required for technical modifications of a consumer's official 617
information, including name and street abbreviations, complete 618
spellings, or transposition of numbers or letters. In the case 619
of an address change, the written confirmation shall be sent to 620

both the new address and to the former address. 621

(J) Divisions (K) to (P) of section 1349.52 of the Revised 622

Code apply with regard to protected consumer security freezes in 623

the same manner and with the same effect as security freezes 624

provided for in section 1349.52 of the Revised Code. 625

Section 2. That existing sections 1349.52 and 1349.521 of 626

the Revised Code are hereby repealed. 627