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Representative Maag

Cosponsors: Representatives Anielski, Antonio, Arndt, Ashford, Baker, Barnes, Becker, Bishoff, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Burkley, Cera, Conditt, Craig, Cupp, Derickson, Dever, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Ginter, Green, Grossman, Hackett, Hagan, Hall, Hambley, Hayes, Henne, Hill, Hood, Howse, Johnson, T., Kunze, Landis, Lepore-Hagan, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Ramos, Reece, Reineke, Retherford, Rezabek, Roegner, Rogers, Ruhl, Ryan, Schaffer, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Terhar, Thompson, Vitale, Young, Zeltwanger

A BILL

To amend section 1349.52 and to enact section 1
1349.521 of the Revised Code to enable the 2
parents or guardian of a protected consumer to 3
freeze that consumer's credit to protect the 4
consumer from identity theft. 5

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

Section 1. That section 1349.52 be amended and section 6
1349.521 of the Revised Code be enacted to read as follows: 7

Sec. 1349.52. (A) As used in this section and in section 8
1349.521 of the Revised Code: 9

(1) "Adult protected consumer" means a protected consumer 10
who is not a minor protected consumer. 11

(2) "Consumer credit reporting agency" means any person 12

that, for monetary fees, dues, or on a cooperative nonprofit 13
basis, regularly engages in whole or in part in the practice of 14
maintaining consumers' credit information for the purpose of 15
furnishing credit reports to third parties. 16

~~(2)~~(3) "Credit report" means any written, oral, or other 17
communication of any credit information by a consumer credit 18
reporting agency that operates or maintains a database of 19
consumer credit information bearing on a consumer's credit 20
worthiness, credit standing, or credit capacity. "Credit report" 21
includes a credit record created for the purposes of complying 22
with section 1349.521 of the Revised Code. 23

~~(3)~~(4) "Credit record" means a compilation of information 24
that meets both of the following: 25

(a) Identifies a protected consumer; 26

(b) Is created by a consumer reporting agency for the sole 27
purpose of complying with section 1349.521 of the Revised Code. 28

(5) "Minor protected consumer" means an individual who is 29
under sixteen years of age. 30

(6) "Protected consumer" means an individual, at the time 31
a request for the placement of a security freeze is made, who 32
meets either of the following: 33

(a) Is a minor protected consumer; 34

(b) Is a person for whom a guardian of the estate or 35
conservator has been appointed. 36

(7) "Representative" means any person who provides 37
sufficient proof of authority to a consumer credit reporting 38
agency to act on the behalf of a protected consumer. 39

"Representative" includes a parent, guardian, or conservator. 40

(8) "Security freeze" means a restriction placed in a 41
consumer's or protected consumer's credit report at the request 42
of the consumer or the protected consumer's representative that 43
prohibits a consumer credit reporting agency from releasing all 44
or any part of the consumer's or protected consumer's credit 45
report or any information derived from the consumer's or 46
protected consumer's credit report relating to the extension of 47
credit without the express authorization of the consumer or 48
protected consumer's representative. 49

~~(4)~~ (9) "Sufficient proof of authority" means 50
documentation that shows a representative has authority to act 51
on behalf of a protected consumer. "Sufficient proof of 52
authority" includes any of the following: 53

(a) An order issued by a court of competent jurisdiction; 54

(b) A lawfully executed and valid power of attorney; 55

(c) A birth certificate, naming the representative as a 56
parent of the protected consumer, in the case of a minor 57
protected consumer; 58

(d) A written, notarized statement signed by the 59
representative that expressly describes the authority of the 60
representative to act on behalf of the protected consumer. 61

(10) "Sufficient proof of identity" means information or 62
documentation that identifies a protected consumer or a 63
representative of a protected consumer. "Sufficient proof of 64
identity" includes any of the following: 65

(a) A social security number or a copy of a social 66
security card issued by the social security administration; 67

(b) A certified or official copy of a birth certificate 68

issued by an entity authorized to issue the birth certificate; 69

(c) A copy of a driver's license, a state identification 70
card, or any other government-issued identification; 71

(d) A copy of a bill, including a bill for telephone, 72
sewer, septic tank, water, electric, oil, or natural gas 73
services, that shows a name and home address. 74

(11) "Other comparable service" means a service for which 75
a receipt of delivery is provided. 76

(B) ~~A~~ (1) Except as provided in division (B) (2) of this 77
section, a consumer may elect to place a security freeze on the 78
consumer's credit report by making a request to a consumer 79
credit reporting agency in writing by certified mail or other 80
comparable service or by any secured electronic method 81
authorized by the consumer credit reporting agency. 82

(2) Security freezes for protected consumers shall be 83
governed by section 1349.521 of the Revised Code. 84

(C) A consumer credit reporting agency shall place a 85
security freeze on a credit report not later than three business 86
days after receiving a request pursuant to division (B) of this 87
section. The consumer credit reporting agency shall send a 88
written confirmation of the security freeze to the consumer 89
within five business days of placing the security freeze and, at 90
the same time, shall provide the consumer with a unique personal 91
identification number or password. The number or password shall 92
not be the consumer's social security number. 93

(D) A consumer may allow the consumer's credit report to 94
be accessed for a specific party or period of time while a 95
security freeze is in place by contacting the consumer credit 96
reporting agency by certified mail or other comparable service, 97

secure electronic method selected by the consumer credit 98
reporting agency, or telephone and requesting that the security 99
freeze be temporarily lifted, and providing all of the 100
following: 101

(1) Information generally considered sufficient to 102
identify the consumer; 103

(2) The unique personal identification number or password 104
provided by the consumer credit reporting agency pursuant to 105
division (C) of this section; 106

(3) The proper information regarding the third party who 107
is to receive the consumer credit report or the time period for 108
which the consumer credit report shall be available to users of 109
the credit report. 110

(E) (1) A consumer credit reporting agency that receives a 111
request in writing by certified mail or other comparable service 112
from a consumer to temporarily lift a security freeze on a 113
credit report pursuant to division (D) of this section shall 114
comply with the request not later than three business days after 115
receiving the request. 116

(2) Except as otherwise provided in this section, a 117
consumer credit reporting agency that receives a request by 118
secure electronic method selected by the consumer credit 119
reporting agency, telephone, or another means authorized by the 120
consumer credit reporting agency from a consumer to temporarily 121
lift a security freeze on a credit report pursuant to division 122
(D) of this section shall comply with the request not later than 123
fifteen minutes after receiving the request unless any of the 124
following applies: 125

(a) The consumer fails to meet the requirements of 126

division (D) of this section.	127
(b) The consumer credit reporting agency's ability to	128
temporarily lift the security freeze within fifteen minutes is	129
prevented by an act of God, including fire, earthquakes,	130
hurricanes, storms, or similar natural disaster or phenomena;	131
unauthorized or illegal acts by a third party, including	132
terrorism, sabotage, riot, vandalism, labor strikes or disputes	133
disrupting operations, or similar occurrence; operational	134
interruption, including electrical failure, unanticipated delay	135
in equipment or replacement part delivery, computer hardware or	136
software failures inhibiting response time, or similar	137
disruption; governmental action, including emergency orders or	138
regulations, judicial or law enforcement action, or similar	139
directives; regularly scheduled maintenance, during other than	140
normal business hours of, or updates to, the consumer credit	141
reporting agency's systems; or commercially reasonable	142
maintenance of, or repair to, the consumer credit reporting	143
agency's systems that is unexpected or unscheduled.	144
(3) A consumer credit reporting agency shall remove or	145
temporarily lift a security freeze placed on a credit report	146
only in the following cases:	147
(a) Upon consumer request pursuant to division (D) of this	148
section;	149
(b) If the credit report was frozen due to a material	150
misrepresentation of fact by the consumer. If a consumer credit	151
reporting agency intends to remove a security freeze upon a	152
credit report pursuant to division (E) (3) (b) of this section,	153
the consumer credit reporting agency shall notify the consumer	154
in writing at least five business days prior to removing the	155
security freeze on the credit report.	156

(F) A consumer credit reporting agency, when required by 157
the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 158
1681g(c), to provide a summary of rights, or when receiving a 159
request from a consumer for information about a security freeze, 160
shall provide the following written notice: 161

"Ohio Consumers Have the Right to Obtain a Security 162
Freeze: 163

You may obtain a security freeze on your credit report to 164
protect your privacy and ensure that credit is not granted in 165
your name without your knowledge. You have a right to place a 166
"security freeze" on your credit report pursuant to Ohio law. 167
The security freeze will prohibit a consumer credit reporting 168
agency from releasing any information in your credit report 169
without your express authorization or approval. The security 170
freeze is designed to prevent credit, loans, and services from 171
being approved in your name without your consent. When you place 172
a security freeze on your credit report, within five business 173
days you will be provided a personal identification number or 174
password to use if you choose to remove the security freeze on 175
your credit report or to temporarily authorize the release of 176
your credit report for a specific party or parties or for a 177
specific period of time after the security freeze is in place. 178
To provide that authorization, you must contact the consumer 179
credit reporting agency and provide all of the following: 180

(a) Information generally considered sufficient to 181
identify the consumer; 182

(b) The unique personal identification number or password 183
provided by the consumer credit reporting agency; 184

(c) The proper information regarding the third party who 185

is to receive the consumer credit report or the time period for 186
which the credit report shall be available to users of the 187
credit report. 188

A consumer credit reporting agency that receives a request 189
from a consumer to temporarily lift a security freeze on a 190
credit report shall comply with the request not later than 191
fifteen minutes after receiving the request. 192

A security freeze does not apply to circumstances in which 193
you have an existing account relationship and a copy of your 194
report is requested by your existing creditor or its agents or 195
affiliates for certain types of account review, collection, 196
fraud control, or similar activities. 197

If you are actively seeking credit, you should understand 198
that the procedures involved in lifting a security freeze may 199
slow your own applications for credit. You should plan ahead and 200
lift a freeze, either completely if you are shopping around, or 201
specifically for a certain creditor, a few days before actually 202
applying for new credit. 203

(G) Except as otherwise provided in division (E) of this 204
section, a consumer credit reporting agency shall keep a 205
security freeze in place until the consumer requests that the 206
security freeze be removed. A consumer credit reporting agency 207
shall remove a security freeze within three business days of 208
receiving a request by telephone or by any other means 209
authorized by the consumer credit reporting agency for removal 210
from the consumer when the consumer provides the following: 211

(1) Information generally considered sufficient to 212
identify the consumer; 213

(2) The unique personal identification number or password 214

provided by the consumer credit reporting agency pursuant to 215
division (C) of this section. 216

(H) A consumer credit reporting agency may release a 217
credit report on which a security freeze has been placed to the 218
following: 219

(1) A person, or subsidiary, affiliate, or agent of that 220
person, or an assignee of a financial obligation owing by the 221
consumer to that person, or a prospective assignee of a 222
financial obligation owing by the consumer to that person in 223
conjunction with the proposed purchase of the financial 224
obligation, with which the consumer has or had prior to 225
assignment an account or contract, including a demand deposit 226
account, or to whom the consumer issued a negotiable instrument, 227
for the purposes of reviewing the account or collecting the 228
financial obligation owing for the account, contract, or 229
negotiable instrument. For purposes of this paragraph, 230
"reviewing the account" includes activities related to account 231
maintenance, monitoring, credit line increases, and account 232
upgrades and enhancements. 233

(2) A subsidiary, affiliate, agent, assignee, or 234
prospective assignee of a person to whom access has been granted 235
under division (D) of this section, for purposes of facilitating 236
the extension of credit or other permissible use; 237

(3) Any state or local law enforcement agency, trial 238
court, or private collection agency acting pursuant to a court 239
order, warrant, or subpoena; 240

(4) Any federal, state, or local governmental entity, 241
agency, or instrumentality that is acting within the entity's, 242
agency's, or instrumentality's authority; 243

(5) A state or local child support enforcement agency;	244
(6) A person seeking to use the information contained in the consumer's credit report for the purpose of prescreening pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1681 et seq.;	245 246 247 248
(7) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed;	249 250 251
(8) Any person or entity providing a consumer with a copy of the consumer's credit report upon the consumer's request;	252 253
(9) Any person or entity for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes;	254 255
(10) Any person or entity acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders provided those responsibilities are consistent with section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq.	256 257 258 259 260
(I) (1) A consumer credit reporting agency may charge a consumer a reasonable fee not to exceed five dollars for placing a security freeze on that consumer's credit report. If the consumer is a victim of a violation of section 2913.49 of the Revised Code, the consumer credit reporting agency shall not charge a fee to place a security freeze on that consumer's credit report, but that consumer shall send a copy of the police report related to the violation of section 2913.49 of the Revised Code to the consumer credit reporting agency.	261 262 263 264 265 266 267 268 269
(2) A consumer credit reporting agency may charge a consumer a reasonable fee not to exceed five dollars for removing or temporarily lifting a security freeze on that	270 271 272

consumer's credit report if the consumer elects to remove or 273
temporarily lift the security freeze on the consumer's credit 274
report for a specific creditor and may charge a consumer a 275
reasonable fee not to exceed five dollars if the consumer elects 276
to temporarily lift the security freeze for a specified period 277
of time. 278

(3) A consumer credit reporting agency may charge a 279
reasonable fee not to exceed five dollars to a consumer who 280
fails to retain the original personal identification number 281
provided by the consumer credit reporting agency and must be 282
reissued the same or a new personal identification number. 283

(J) If a security freeze is in place, a consumer credit 284
reporting agency shall not change any of the following official 285
information in a credit report without sending a written 286
confirmation of the change to the consumer within thirty days of 287
the change being posted to the consumer's file: name; date of 288
birth; social security number; or address. Written confirmation 289
is not required for technical modifications of a consumer's 290
official information, including name and street abbreviations, 291
complete spellings, or transposition of numbers or letters. In 292
the case of an address change, the written confirmation shall be 293
sent to both the new address and to the former address. 294

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

a credit report by another consumer credit reporting agency.	303
(L) The following entities are not required to place a security freeze in a credit report:	304
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(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;	306
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(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.	311
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<u>(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:</u>	318
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<u>(a) Criminal record information;</u>	322
<u>(b) Personal loss history information;</u>	323
<u>(c) Fraud prevention or detection;</u>	324
<u>(d) Employment screening;</u>	325
<u>(e) Tenant screening.</u>	326
(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	327
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credit reporting agency has failed or is failing to comply with 330
this section. 331

(2) In any investigation conducted pursuant to this 332
section, the attorney general may administer oaths, subpoena 333
witnesses, adduce evidence, and subpoena the production of any 334
book, document, record, or other relevant matter. 335

(3) If the attorney general under division (M) (2) of this 336
section subpoenas the production of any relevant matter that is 337
located outside this state, the attorney general may designate a 338
representative, including an official of the state in which that 339
relevant matter is located, to inspect the relevant matter on 340
the attorney general's behalf. The attorney general may carry 341
out similar requests received from officials of other states. 342

(4) Any person who is subpoenaed to produce relevant 343
matter pursuant to division (M) (2) of this section shall make 344
that relevant matter available at a convenient location within 345
this state or the state of the representative designated under 346
division (M) (3) of this section. 347

(5) Any person who is subpoenaed as a witness or to 348
produce relevant matter pursuant to division (M) (2) of this 349
section may file in the court of common pleas of Franklin 350
county, the county in this state in which the person resides, or 351
the county in this state in which the person's principal place 352
of business is located a petition to extend for good cause shown 353
the date on which the subpoena is to be returned or to modify or 354
quash for good cause shown that subpoena. The person may file 355
the petition at any time prior to the date specified for the 356
return of the subpoena or within twenty days after the service 357
of the subpoena, whichever is earlier. 358

(6) Any person who is subpoenaed as a witness or to
produce relevant matter pursuant to division (M) (2) of this
section shall comply with the terms of the subpoena unless the
court orders otherwise prior to the date specified for the
return of the subpoena or, if applicable, that date as extended.
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 388
protection enforcement fund created by section 1345.51 of the 389
Revised Code. 390

(3) In determining the appropriate civil penalty to assess 391
under division (N)(1) of this section, the court shall consider 392
all relevant factors, including the degree of the defendant's 393
culpability, any history of prior violations of this section by 394
the defendant, the defendant's ability to pay, the effect of the 395
court's decision on the defendant's ability to continue to 396
conduct the defendant's business, and whether or not the 397
defendant acted in bad faith in failing to comply with this 398
section. 399

(O) Any consumer credit reporting agency that is found by 400
the court to have failed to comply with this section is liable 401
to the attorney general for the attorney general's costs in 402
conducting an investigation and bringing an action under this 403
section. 404

(P) The rights and remedies that are provided under this 405
section are in addition to any other rights or remedies that are 406
provided by law. 407

Sec. 1349.521. (A) (1) A representative of a protected 408
consumer may elect to place a security freeze on the protected 409
consumer's credit report in the manner prescribed in division 410
(B) of this section by making a request to a consumer credit 411
reporting agency in writing by certified mail or other 412
comparable service or by any secured electronic method 413
authorized by the consumer credit reporting agency. 414

(2) A representative requesting a security freeze on a 415
protected consumer's credit report shall provide to the credit 416

reporting agency sufficient proof of authority and, for both the 417
representative and the protected consumer, sufficient proof of 418
identity. 419

(B) (1) A consumer credit reporting agency shall place a 420
security freeze on a credit report not later than thirty days 421
after receiving a request pursuant to division (A) (1) of this 422
section and the information required pursuant to division (A) (2) 423
of this section. 424

(2) The consumer credit reporting agency shall send a 425
written confirmation of the security freeze to the address 426
associated with the protected consumer within five business days 427
after placing the security freeze. 428

(C) (1) If a consumer credit reporting agency does not have 429
a credit report pertaining to a protected consumer when the 430
consumer reporting agency receives a request under division (A) 431
(1) of this section related to that protected consumer, the 432
consumer credit reporting agency shall create a credit record 433
for the protected consumer and place a security freeze upon the 434
credit record in accordance with division (B) of this section. 435

(2) A credit record created under division (C) (1) of this 436
section shall not be used to consider the protected consumer's 437
credit worthiness, credit standing, credit capacity, character, 438
general reputation, or personal characteristics. 439

(D) A consumer credit reporting agency shall remove a 440
security freeze placed on a credit report only in the following 441
cases: 442

(1) If the credit report was frozen due to a material 443
misrepresentation of fact by the protected consumer's 444
representative. If a consumer credit reporting agency intends to 445

remove a security freeze upon a credit report due to a material 446
misrepresentation, the consumer credit reporting agency shall 447
notify the protected consumer's representative in writing at 448
least five business days prior to removing the security freeze 449
on the credit report. 450

(2) A protected consumer's representative requests that 451
the security freeze be removed. A protected consumer's 452
representative shall provide all of the following when 453
requesting that a security freeze be removed: 454

(a) Sufficient proof of identity for both the protected 455
consumer and the protected consumer's representative; 456

(b) Sufficient proof of authority to act on the behalf of 457
the protected consumer. 458

(3) (a) Upon request of a protected consumer who has 459
reached sixteen years of age. 460

(b) A consumer reporting agency shall develop a procedure 461
by which a minor protected consumer, upon reaching sixteen years 462
of age, may remove the security freeze created on the minor's 463
behalf. The procedure shall, at a minimum, require the minor to 464
provide sufficient proof of identity and age. 465

(E) A consumer credit reporting agency shall remove a 466
security freeze within thirty days after receiving a request by 467
certified mail or other comparable service, secure electronic 468
method selected by the consumer credit reporting agency, 469
telephone, or by any other means authorized by the consumer 470
credit reporting agency for removal from a protected consumer's 471
representative and of receiving the information specified in 472
division (D) (2) of this section. 473

(F) A consumer credit reporting agency, when required by 474

the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 475
1681g(c) to provide a summary of rights, or when providing the 476
written confirmation required under division (B)(2) of this 477
section, shall provide the following written notice: 478

"The parent or guardian of a minor under the age of 479
sixteen or the guardian or conservator of an incapacitated or 480
protected adult, collectively referred to as a "protected 481
consumer" may seek a security freeze to protect the identity of 482
a protected consumer and ensure that credit is not 483
inappropriately granted in the protected consumer's name. In 484
order to request a security freeze for a protected consumer, the 485
protected consumer's parent, guardian, or conservator must 486
present sufficient proof of authority to act on the protected 487
consumer's behalf. The parent, guardian, or conservator must 488
also present sufficient proof of identity for the parent, 489
guardian, or conservator, in addition to proof of identity for 490
the protected consumer. 491

In order for the representative of a protected consumer to 492
request the removal of a security freeze of a protected 493
consumer, the representative must contact the consumer credit 494
reporting agency and provide all of the following: 495

(a) Sufficient proof of identity for both the protected 496
consumer and the protected consumer's representative; 497

(b) Sufficient proof of authority to act on the behalf of 498
the protected consumer. 499

A minor protected consumer, upon reaching sixteen years of 500
age, may also request that the security freeze be removed. A 501
minor protected consumer making such a request must provide 502
proof of identity and age. 503

A consumer credit reporting agency that receives a proper 504
request by certified mail or other comparable service, secure 505
electronic method selected by the consumer credit reporting 506
agency, telephone, or by any other means authorized by the 507
consumer credit reporting agency to remove a security freeze on 508
a credit report shall comply with the request not later than 509
thirty days after receiving the request. 510

A security freeze does not apply to circumstances in which 511
a protected consumer already has an existing account 512
relationship and a copy of the protected consumer's credit 513
report is requested by the protected consumer's existing 514
creditor or its agents or affiliates for certain types of 515
account review, collection, fraud control, or similar 516
activities. 517

If a protected consumer is actively seeking credit, it 518
should be understood that the procedures involved in removing a 519
security freeze may slow any applications for credit. Plan ahead 520
and remove a freeze a month before actually applying for new 521
credit." 522

(G) (1) With regard to adult protected consumers, a 523
consumer credit reporting agency may release a credit report on 524
which a security freeze has been placed to the following: 525

(a) A person, or subsidiary, affiliate, or agent of that 526
person, or an assignee of a financial obligation owing by the 527
protected consumer, to that person, or a prospective assignee of 528
a financial obligation owing by the protected consumer, to that 529
person in conjunction with the proposed purchase of the 530
financial obligation, with which the protected consumer has or 531
had prior to assignment an account or contract, including a 532
demand deposit account, or to whom the protected consumer issued 533

a negotiable instrument, for the purposes of reviewing the 534
account or collecting the financial obligation owing for the 535
account, contract, or negotiable instrument. For purposes of 536
this paragraph, "reviewing the account" includes activities 537
related to account maintenance, monitoring, credit line 538
increases, and account upgrades and enhancements. 539

(b) A person seeking to use the information contained in 540
the consumer's credit report for the purpose of prescreening 541
pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 542
(1970), 15 U.S.C. 1681 et seq.; 543

(c) Any person or entity for use in any of the following 544
insurance purposes: 545

(i) Setting or adjusting a rate; 546

(ii) Adjusting a claim; 547

(iii) Underwriting. 548

(2) With regard to all protected consumers, a consumer 549
credit reporting agency may release a credit report on which a 550
security freeze has been placed to the following: 551

(a) Any state or local law enforcement agency, trial 552
court, or private collection agency acting pursuant to a court 553
order, warrant, or subpoena; 554

(b) Any federal, state, or local governmental entity, 555
agency, or instrumentality that is acting within the entity's, 556
agency's, or instrumentality's authority; 557

(c) A state or local child support enforcement agency; 558

(d) A person seeking to use the information contained in 559
the consumer's credit report for the purpose of prescreening 560

<u>pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128</u>	561
<u>(1970), 15 U.S.C. 1681 et seq.;</u>	562
<u>(e) Any person or entity administering a credit file</u>	563
<u>monitoring subscription service to which the consumer has</u>	564
<u>subscribed;</u>	565
<u>(f) Any person or entity providing the protected</u>	566
<u>consumer's representative with a copy of the protected</u>	567
<u>consumer's credit report upon the representative's request;</u>	568
<u>(g) Any person or entity for use in any of the following</u>	569
<u>insurance purposes:</u>	570
<u>(i) Setting or adjusting a rate;</u>	571
<u>(ii) Adjusting a claim;</u>	572
<u>(iii) Underwriting.</u>	573
<u>(h) Any person or entity acting to investigate fraud or</u>	574
<u>acting to investigate or collect delinquent taxes or unpaid</u>	575
<u>court orders provided those responsibilities are consistent with</u>	576
<u>section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681</u>	577
<u>et seq.</u>	578
<u>(i) An individual seeking to remove a security freeze</u>	579
<u>under division (D)(3) of this section.</u>	580
<u>(H)(1) Except as provided in division (H)(2) of this</u>	581
<u>section, a consumer credit reporting agency may charge a</u>	582
<u>protected consumer's representative the following fees with</u>	583
<u>regard to protected consumer security freezes:</u>	584
<u>(a) A consumer credit reporting agency may charge a</u>	585
<u>protected consumer's representative a reasonable fee not to</u>	586
<u>exceed five dollars for placing a security freeze on that</u>	587

protected consumer's credit report. If the protected consumer is 588
a victim of a violation of section 2913.49 of the Revised Code, 589
the consumer credit reporting agency shall not charge a fee to 590
place a security freeze on that protected consumer's credit 591
report, but that protected consumer's representative shall send 592
a copy of the police report related to the violation of section 593
2913.49 of the Revised Code to the consumer credit reporting 594
agency. 595

(b) A consumer credit reporting agency may charge a 596
protected consumer's representative a reasonable fee not to 597
exceed five dollars for removing a security freeze on that 598
protected consumer's credit report if the protected consumer's 599
representative elects to remove the security freeze on the 600
consumer's credit report. 601

(2) A consumer credit reporting agency shall not charge 602
any fee to any of the following individuals: 603

(a) A protected consumer representative that represents a 604
child in foster care; 605

(b) A minor protected consumer, or a minor protected 606
consumer's representative, for whom a credit report already 607
exists; 608

(c) An individual seeking to remove a security freeze 609
under division (D) (3) of this section. 610

(I) If a security freeze is in place, a consumer credit 611
reporting agency shall not change any of the following official 612
information in a credit report without sending a written 613
confirmation of the change to the protected consumer's 614
representative within thirty days of the change being posted to 615
the protected consumer's file: name; date of birth; social 616

security number; or address. Written confirmation is not 617
required for technical modifications of a consumer's official 618
information, including name and street abbreviations, complete 619
spellings, or transposition of numbers or letters. In the case 620
of an address change, the written confirmation shall be sent to 621
both the new address and to the former address. 622

(J) Divisions (K) to (P) of section 1349.52 of the Revised 623
Code apply with regard to protected consumer security freezes in 624
the same manner and with the same effect as security freezes 625
provided for in section 1349.52 of the Revised Code. 626

Section 2. That existing section 1349.52 of the Revised 627
Code is hereby repealed. 628

Section 3. Sections 1349.52 and 1349.521 of the Revised 629
Code, as amended or enacted by this act, shall take effect six 630
months after the effective date of this act. 631