

By: Davis of Dallas

H.B. No. 1388

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a fee charged by a consumer reporting agency for the
3 placement, removal, or temporary lifting of a security freeze on
4 the consumer file of certain elderly persons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 20.04(b), Business & Commerce Code, is
7 amended to read as follows:

8 (b) A consumer reporting agency may not charge a fee for:

9 (1) a request by a consumer for a copy of the
10 consumer's file:

11 (A) made not later than the 60th day after the
12 date on which adverse action is taken against the consumer; or

13 (B) made on the expiration of a 45-day security
14 alert;

15 (2) notification of the deletion of information that
16 is found to be inaccurate or can no longer be verified sent to a
17 person designated by the consumer, as prescribed by Section 611 of
18 the Fair Credit Reporting Act (15 U.S.C. Section 1681i), as
19 amended;

20 (3) a set of instructions for understanding the
21 information presented on the consumer report;

22 (4) a toll-free telephone number that consumers may
23 call to obtain additional assistance concerning the consumer report
24 or to request a security alert;

1 (5) a request for a security alert made by a consumer;

2 or

3 (6) the placement, temporary lifting, or removal of a
4 security freeze at the request of a consumer who:

5 (A) submits [~~has submitted~~] to the consumer
6 reporting agency a copy of a valid police report, investigative
7 report, or complaint involving the alleged commission of an offense
8 under Section 32.51, Penal Code; or

9 (B) is 65 years of age or older.

10 SECTION 2. The change in law made by this Act applies only
11 to a request for the placement, temporary lifting, or removal of a
12 security freeze made on or after the effective date of this Act. A
13 request for the placement, temporary lifting, or removal of a
14 security freeze made before the effective date of this Act is
15 governed by the law in effect when the request was made, and the
16 former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2009.