

By: Fallon

S.B. No. 1423

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the fee for placing, temporarily lifting, or removing a
3 security freeze on a consumer file.

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

5 SECTION 1. Section 20.01, Business & Commerce Code, is
6 amended by adding Subdivision (1-a) to read as follows:

7 (1-a) "Breach of system security" has the meaning
8 assigned by Section 521.053.

9 SECTION 2. Section 20.04, Business & Commerce Code, is
10 amended by amending Subsection (b) and adding Subsection (c) to
11 read as follows:

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

13 (1) a request by a consumer for a copy of the
14 consumer's file:

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

17 (B) made on the expiration of a 45-day security
18 alert;

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

24 (3) a set of instructions for understanding the

1 information presented on the consumer report;

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

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

7 (6) the placement, temporary lifting, or removal of a
8 security freeze at the request of a consumer;

9 (A) who has submitted to the consumer reporting
10 agency a copy of a valid police report, investigative report, or
11 complaint involving the alleged commission of an offense under
12 Section 32.51, Penal Code; or

13 (B) if the consumer's consumer file was affected
14 by a consumer reporting agency's breach of system security.

15 (c) In the event of a conflict between federal law and this
16 section in the amount a consumer reporting agency may charge,
17 federal law controls.

18 SECTION 3. Section 20.29, Business & Commerce Code, is
19 amended by amending Subsection (c) and adding Subsection (d) to
20 read as follows:

21 (c) A consumer reporting agency may not charge a fee for the
22 placement or removal of a security freeze under this subchapter if:

23 (1) the protected consumer's representative submits to
24 the consumer reporting agency a copy of a valid police report,
25 investigative report, or complaint involving the commission of an
26 offense under Section 32.51, Penal Code; ~~or~~

27 (2) at the time the protected consumer's

1 representative makes the request for a security freeze:

2 (A) the protected consumer is under the age of
3 16; and

4 (B) the consumer reporting agency has created a
5 consumer report pertaining to the protected consumer; or

6 (3) at the time the protected consumer's
7 representative makes the request for a security freeze, the
8 protected consumer's consumer file was affected by a consumer
9 reporting agency's breach of system security.

10 (d) In the event of a conflict between federal law and this
11 section in the amount a consumer reporting agency may charge,
12 federal law controls.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2019.