

Senate File 2040 - Introduced

SENATE FILE 2040

BY HART

A BILL FOR

1 An Act prohibiting consumer reporting agencies from charging
2 fees in relation to consumer security freezes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714G.2, Code 2018, is amended to read as
2 follows:

3 **714G.2 Security freeze.**

4 A consumer may submit by certified mail to a consumer
5 reporting agency a written request for a security freeze.
6 The consumer must submit proper identification ~~and the~~
7 ~~applicable fee~~ with the request. Within five business days
8 after receiving the request, the consumer reporting agency
9 shall commence the security freeze. Within ten business days
10 after commencing the security freeze, the consumer reporting
11 agency shall send a written confirmation to the consumer of the
12 security freeze, a personal identification number or password,
13 other than the consumer's social security number, for the
14 consumer to use in authorizing the suspension or removal of
15 the security freeze, including information on how the security
16 freeze may be temporarily suspended.

17 Sec. 2. Section 714G.3, subsection 1, paragraph d, Code
18 2018, is amended by striking the paragraph.

19 Sec. 3. Section 714G.4, Code 2018, is amended to read as
20 follows:

21 **714G.4 Removal.**

22 A security freeze remains in effect until the consumer
23 requests that the security freeze be removed. A consumer
24 reporting agency shall remove a security freeze within three
25 business days after receiving a request for removal that
26 includes proper identification of the consumer, and the
27 personal identification number or password provided by the
28 consumer reporting agency, ~~and payment of the applicable fee.~~

29 Sec. 4. Section 714G.5, Code 2018, is amended to read as
30 follows:

31 **714G.5 Fees prohibited.**

32 ~~1. A consumer reporting agency shall not charge any fee to~~
33 ~~a consumer who is the victim of identity theft for commencing~~
34 ~~a security freeze, temporary suspension, or removal if with~~
35 ~~the initial security freeze request, the consumer submits a~~

1 ~~valid copy of the police report concerning the unlawful use of~~
2 ~~identification information by another person.~~

3 ~~2. A consumer reporting agency may charge a fee not to~~
4 ~~exceed ten dollars to a consumer who is not the victim of~~
5 ~~identity theft for each security freeze, removal, or for~~
6 ~~reissuing a personal identification number or password if the~~
7 ~~consumer fails to retain the original number. The consumer~~
8 ~~reporting agency may charge a fee not to exceed twelve dollars~~
9 ~~for each temporary suspension of a security freeze.~~

10 A consumer reporting agency shall not charge a fee to a
11 consumer for providing any service pursuant to this chapter,
12 including but not limited to placing, removing, temporarily
13 suspending, or reinstating a security freeze or protected
14 consumer security freeze.

15 Sec. 5. Section 714G.8A, subsection 1, paragraph d, Code
16 2018, is amended by striking the paragraph.

17 Sec. 6. Section 714G.8A, subsection 3, paragraph d, Code
18 2018, is amended by striking the paragraph.

19 Sec. 7. Section 714G.8A, subsection 5, Code 2018, is amended
20 by striking the subsection.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 Current law allows consumer reporting agencies to charge
25 consumers certain fees for placing, removing, temporarily
26 suspending, or reinstating security freezes or protected
27 consumer security freezes. This bill prohibits consumer
28 reporting agencies from charging a fee for providing any
29 service pursuant to Code chapter 714G, including but not
30 limited to placing, removing, temporarily suspending, or
31 reinstating a security freeze or protected consumer security
32 freeze. The bill removes all references to payment of fees
33 from Code chapter 714G.