

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0476.01 Jennifer Berman x3286

HOUSE BILL 18-1090

---

HOUSE SPONSORSHIP

Duran and Ransom,

SENATE SPONSORSHIP

(None),

---

House Committees

State, Veterans, & Military Affairs

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING THE PLACEMENT OF A SECURITY FREEZE BY A CONSUMER  
102 REPORTING AGENCY ON THE CONSUMER REPORT OF A  
103 CONSUMER WHO IS UNDER THE CHARGE OF A GUARDIAN.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 2** of the bill requires a consumer reporting agency that has a consumer file on an individual who is under 18 years of age to automatically place a security freeze on the individual's consumer report free of charge. Once the individual reaches 18 years of age, the consumer reporting agency shall automatically unfreeze the individual's consumer

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

report unless the individual or the individual's guardian, at least one month before the individual turns 18 but not more than 6 months before the individual turns 18, requests that the security freeze be maintained.

**Section 3** authorizes a guardian to request a security freeze for an individual who is under the charge of the guardian. If the consumer reporting agency does not yet have a consumer report for the individual at the time that a security freeze is requested, the consumer reporting agency is required to create a consumer record for the individual and place a security freeze on the consumer record.

The individual's guardian may request that the consumer reporting agency temporarily lift the security freeze placed on the individual's consumer report or record, lift the security freeze with respect to a specific third party, or permanently remove the security freeze.

A consumer reporting agency is not allowed to charge a fee for the placement, temporary lift, partial lift, or removal of a security freeze on the individual's consumer report or record.

**Section 1** defines the terms "guardian", "legal guardian", "protected consumer", "sufficient proof of authority", and "sufficient proof of identification" and amends the definition of "security freeze" to apply to individuals under the charge of a guardian.

**Section 4** adds a summary of rights that consumer reporting agencies are required to send to consumers concerning:

- ! The automatic security freeze placed on individuals under 18 years of age for whom a consumer reporting agency has a consumer file; and
- ! A guardian's right to request a security freeze for an individual who is under the guardian's charge and for whom a consumer reporting agency does not have a consumer file.

**Sections 5 through 8** make conforming amendments.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 5-18-103, **amend**  
3 (15); and **add** (9.5), (11.5), (13.5), (16), and (17) as follows:

4 **5-18-103. Definitions.** As used in this article 18, unless the  
5 context otherwise requires:

6 (9.5) "GUARDIAN" MEANS A PROTECTED CONSUMER'S NATURAL OR  
7 ADOPTIVE PARENT OR LEGAL GUARDIAN.

8 (11.5) "LEGAL GUARDIAN" MEANS A PERSON WHO, PURSUANT TO

1 A TESTAMENTARY OR COURT APPOINTMENT, IS QUALIFIED TO MAKE  
2 DECISIONS REGARDING THE SUPPORT, CARE, EDUCATION, HEALTH, OR  
3 WELFARE OF AN INDIVIDUAL.

4 (13.5) "PROTECTED CONSUMER" MEANS AN INDIVIDUAL WHO:

5 (a) AT THE TIME THAT A CONSUMER REPORTING AGENCY CREATES  
6 A CONSUMER REPORT OR RECORD FOR THE INDIVIDUAL, IS UNDER  
7 EIGHTEEN YEARS OF AGE; OR

8 (b) OTHERWISE HAS A LEGAL GUARDIAN.

9 (15) (a) "Security freeze" or "freeze" means a notice placed in a  
10 consumer report OR RECORD, EITHER at the request of a consumer OR  
11 AUTOMATICALLY PURSUANT TO SECTION 5-18-112 (1)(b.5), and, subject  
12 to certain exemptions, that prohibits the consumer reporting agency from  
13 releasing the consumer report OR RECORD or any information from it  
14 without the express authorization of the consumer OR OF THE PROTECTED  
15 CONSUMER'S GUARDIAN.

16 (b) "SECURITY FREEZE" INCLUDES A NOTICE:

17 (I) PLACED ON A RECORD CREATED FOR A PROTECTED CONSUMER  
18 FOR WHOM THE CONSUMER REPORTING AGENCY DOES NOT HAVE A  
19 CONSUMER REPORT; AND

20 (II) THAT PROHIBITS THE CONSUMER REPORTING AGENCY FROM  
21 RELEASING THE PROTECTED CONSUMER'S REPORT OR RECORD EXCEPT AS  
22 PROVIDED IN SECTION 5-18-112 (1)(b.5)(II) OR (1)(b.5)(III) OR  
23 5-18-112.5.

24 (16) (a) "SUFFICIENT PROOF OF AUTHORITY" MEANS  
25 DOCUMENTATION DEMONSTRATING THAT A GUARDIAN HAS AUTHORITY TO  
26 ACT ON BEHALF OF A PROTECTED CONSUMER.

27 (b) "SUFFICIENT PROOF OF AUTHORITY" INCLUDES A COURT ORDER;

1 A COPY OF A VALID POWER OF ATTORNEY; A WRITTEN, NOTARIZED SWORN  
2 STATEMENT SIGNED BY THE GUARDIAN THAT EXPRESSLY DESCRIBES THE  
3 AUTHORITY OF THE GUARDIAN TO ACT ON BEHALF OF THE PROTECTED  
4 CONSUMER; OR A CERTIFIED OR OFFICIAL COPY OF THE PROTECTED  
5 CONSUMER'S BIRTH CERTIFICATE.

6 (17) (a) "SUFFICIENT PROOF OF IDENTIFICATION" MEANS  
7 DOCUMENTATION THAT CLEARLY AND WITH REASONABLE CERTAINTY  
8 IDENTIFIES A PROTECTED CONSUMER OR A GUARDIAN.

9 (b) "SUFFICIENT PROOF OF IDENTIFICATION" INCLUDES A COPY OF  
10 A SOCIAL SECURITY CARD, A CERTIFIED OR OFFICIAL COPY OF A BIRTH  
11 CERTIFICATE, A COPY OF A VALID DRIVER'S LICENSE, OR A COPY OF A  
12 GOVERNMENT-ISSUED PHOTO IDENTIFICATION DOCUMENT.

13 **SECTION 2.** In Colorado Revised Statutes, 5-18-112, **add**  
14 (1)(b.5) as follows:

15 **5-18-112. Security freeze - timing - covered entities - cost.**

16 (1) (b.5) (I) A CONSUMER REPORTING AGENCY THAT HAS A CONSUMER  
17 FILE ON A PROTECTED CONSUMER WHO IS UNDER EIGHTEEN YEARS OF AGE  
18 SHALL AUTOMATICALLY PLACE A SECURITY FREEZE ON THE PROTECTED  
19 CONSUMER'S CONSUMER REPORT FREE OF CHARGE. WITHIN FIVE BUSINESS  
20 DAYS AFTER THE PLACEMENT OF A SECURITY FREEZE PURSUANT TO THIS  
21 SUBSECTION (1)(b.5)(I), THE CONSUMER REPORTING AGENCY SHALL:

22 (A) SEND THE PROTECTED CONSUMER WRITTEN CONFIRMATION OF  
23 THE SECURITY FREEZE;

24 (B) PROVIDE THE PROTECTED CONSUMER AND THE PROTECTED  
25 CONSUMER'S LEGAL GUARDIAN WITH INSTRUCTIONS FOR HOW THE  
26 PROTECTED CONSUMER'S GUARDIAN, OR THE PROTECTED CONSUMER  
27 PURSUANT TO SECTION 5-18-112.5 (7)(b), MAY REMOVE OR TEMPORARILY

1 LIFT THE SECURITY FREEZE OR ALLOW A SPECIFIC PARTY ACCESS TO THE  
2 PROTECTED CONSUMER'S CONSUMER REPORT; AND

3 (C) PROVIDE THE PROTECTED CONSUMER WITH A UNIQUE  
4 PERSONAL IDENTIFIER THAT THE PROTECTED CONSUMER'S GUARDIAN, OR  
5 THE PROTECTED CONSUMER PURSUANT TO SECTION 5-18-112.5 (7)(b),  
6 MAY USE TO PROVIDE AUTHORIZATION FOR A REMOVAL OR TEMPORARY  
7 LIFT OF THE SECURITY FREEZE OR THIRD-PARTY ACCESS TO THE  
8 PROTECTED CONSUMER'S CONSUMER REPORT.

9 (II) EXCEPT AS PROVIDED IN SUBSECTION (1)(b.5)(III) OF THIS  
10 SECTION, A CREDIT REPORTING AGENCY THAT PLACES A SECURITY FREEZE  
11 ON A PROTECTED CONSUMER'S CONSUMER REPORT PURSUANT TO THIS  
12 SUBSECTION (1)(b.5) SHALL FOLLOW THE PROCEDURES SET FORTH IN  
13 SECTION 5-18-112.5 FOR REMOVING THE SECURITY FREEZE, TEMPORARILY  
14 LIFTING THE SECURITY FREEZE, GRANTING THIRD-PARTY ACCESS TO THE  
15 PROTECTED CONSUMER'S CONSUMER REPORT, ADDRESSING A VIOLATION  
16 OF THE SECURITY FREEZE, ADDRESSING A DISPUTE OF INFORMATION IN THE  
17 PROTECTED CONSUMER'S CONSUMER REPORT, OR ALLOWING A REQUEST TO  
18 BLOCK THE REPORTING OF INFORMATION IN THE PROTECTED CONSUMER'S  
19 CONSUMER REPORT.

20 (III) (A) ONCE A PROTECTED CONSUMER SUBJECT TO THIS  
21 SUBSECTION (1)(b.5) REACHES EIGHTEEN YEARS OF AGE, A CONSUMER  
22 REPORTING AGENCY SHALL AUTOMATICALLY UNFREEZE THE PROTECTED  
23 CONSUMER'S CONSUMER REPORT; EXCEPT THAT, IF THE PROTECTED  
24 CONSUMER'S GUARDIAN OR, IF DONE IN ACCORDANCE WITH SECTION  
25 5-18-112.5 (7)(b), THE PROTECTED CONSUMER, AT LEAST ONE MONTH  
26 BEFORE THE PROTECTED CONSUMER REACHES EIGHTEEN YEARS OF AGE  
27 BUT NOT MORE THAN SIX MONTHS BEFORE THE PROTECTED CONSUMER

1 REACHES EIGHTEEN YEARS OF AGE, REQUESTS THAT THE CONSUMER  
2 REPORTING AGENCY CONTINUE THE SECURITY FREEZE AFTER THE  
3 PROTECTED CONSUMER REACHES EIGHTEEN YEARS OF AGE, THE CONSUMER  
4 REPORTING AGENCY SHALL CONTINUE THE SECURITY FREEZE FREE OF  
5 CHARGE.

6 (B) A GUARDIAN WHO, ON BEHALF OF A PROTECTED CONSUMER,  
7 REQUESTS THAT A CONSUMER REPORTING AGENCY CONTINUE A SECURITY  
8 FREEZE PURSUANT TO SUBSECTION (1)(b.5)(III)(A) OF THIS SECTION MUST  
9 FURNISH SUFFICIENT PROOF OF AUTHORITY AND SUFFICIENT PROOF OF  
10 IDENTIFICATION AT THE TIME OF MAKING THE REQUEST. A PROTECTED  
11 CONSUMER WHO REQUESTS THAT A CONSUMER REPORTING AGENCY  
12 CONTINUE A SECURITY FREEZE PURSUANT TO SUBSECTION (1)(b.5)(III)(A)  
13 OF THIS SECTION MUST FURNISH SUFFICIENT PROOF OF IDENTIFICATION AT  
14 THE TIME OF MAKING THE REQUEST.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 5-18-112.5 as  
16 follows:

17 **5-18-112.5. Security freeze for a protected consumer who does**  
18 **not have a consumer report.** (1) WITH REGARD TO A PROTECTED  
19 CONSUMER, A GUARDIAN MAY PLACE A SECURITY FREEZE FOR THE  
20 PROTECTED CONSUMER BY:

21 (a) SUBMITTING A WRITTEN REQUEST TO A CONSUMER REPORTING  
22 AGENCY IN THE MANNER PRESCRIBED BY THAT AGENCY; AND

23 (b) PROVIDING THE CONSUMER REPORTING AGENCY WITH  
24 SUFFICIENT PROOF OF AUTHORITY AND SUFFICIENT PROOF OF  
25 IDENTIFICATION.

26 (2) (a) A CONSUMER REPORTING AGENCY THAT RECEIVES A  
27 SECURITY FREEZE REQUEST PURSUANT TO SUBSECTION (1) OF THIS SECTION

1 FOR A PROTECTED CONSUMER FOR WHOM THE CONSUMER REPORTING  
2 AGENCY DOES NOT HAVE A CONSUMER FILE SHALL CREATE A RECORD FOR  
3 THE PROTECTED CONSUMER AND PLACE A SECURITY FREEZE ON THE  
4 RECORD.

5 (b) A PROTECTED CONSUMER'S RECORD CREATED PURSUANT TO  
6 SUBSECTION (2)(a) OF THIS SECTION SHALL NOT BE USED TO CONSIDER THE  
7 PROTECTED CONSUMER'S CREDITWORTHINESS, CREDIT STANDING, CREDIT  
8 CAPACITY, CHARACTER, GENERAL REPUTATION, PERSONAL  
9 CHARACTERISTICS, OR ELIGIBILITY FOR OTHER FINANCIAL SERVICES.

10 (3) A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY  
11 FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD  
12 WITHIN FIVE BUSINESS DAYS AFTER CONFIRMING THE AUTHENTICITY OF A  
13 SECURITY FREEZE REQUEST MADE IN ACCORDANCE WITH THIS SECTION.  
14 THE AGENCY SHALL DETERMINE THE AUTHENTICITY OF THE REQUEST  
15 WITHIN FIFTEEN BUSINESS DAYS AFTER RECEIVING THE REQUEST.

16 (4) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (7)(c) AND (9) OF  
17 THIS SECTION, IF A SECURITY FREEZE IS IN PLACE ON A PROTECTED  
18 CONSUMER'S CONSUMER REPORT OR RECORD, INFORMATION FROM THE  
19 CONSUMER REPORT OR RECORD SHALL NOT BE RELEASED TO A THIRD  
20 PARTY WITHOUT PRIOR, EXPRESS AUTHORIZATION FROM THE PROTECTED  
21 CONSUMER'S GUARDIAN OR, IF A PROTECTED CONSUMER HAS PROVIDED  
22 THE DOCUMENTATION REQUIRED BY SUBSECTION (7)(b) OF THIS SECTION,  
23 FROM THE PROTECTED CONSUMER.

24 (b) A CONSUMER REPORTING AGENCY MAY ADVISE A THIRD PARTY  
25 THAT A SECURITY FREEZE IS IN EFFECT WITH RESPECT TO A PROTECTED  
26 CONSUMER'S CONSUMER REPORT OR RECORD.

27 (5) WITHIN FIVE BUSINESS DAYS AFTER INSTITUTING A SECURITY

1 FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD, THE  
2 CONSUMER REPORTING AGENCY SHALL:

3 (a) SEND THE PROTECTED CONSUMER'S GUARDIAN WRITTEN  
4 CONFIRMATION OF THE SECURITY FREEZE;

5 (b) PROVIDE THE GUARDIAN WITH INSTRUCTIONS FOR REMOVING  
6 OR TEMPORARILY LIFTING THE SECURITY FREEZE OR ALLOWING A SPECIFIC  
7 PARTY ACCESS TO THE PROTECTED CONSUMER'S CONSUMER REPORT OR  
8 RECORD; AND

9 (c) PROVIDE THE GUARDIAN WITH A UNIQUE PERSONAL IDENTIFIER  
10 THAT THE GUARDIAN MAY USE TO PROVIDE AUTHORIZATION FOR A  
11 REMOVAL OR TEMPORARY LIFT OF THE SECURITY FREEZE OR THIRD-PARTY  
12 ACCESS TO THE CONSUMER REPORT OR RECORD.

13 (6) A CONSUMER REPORTING AGENCY SHALL NOT STATE OR IMPLY  
14 TO ANY PERSON THAT A SECURITY FREEZE REFLECTS A NEGATIVE CREDIT  
15 SCORE, A NEGATIVE CREDIT HISTORY, OR A NEGATIVE CREDIT RATING.

16 (7) (a) A SECURITY FREEZE ON A PROTECTED CONSUMER'S  
17 CONSUMER REPORT OR RECORD REMAINS IN EFFECT UNTIL THE PROTECTED  
18 CONSUMER'S GUARDIAN OR, IF AUTHORIZED UNDER SUBSECTION (7)(b) OF  
19 THIS SECTION, THE PROTECTED CONSUMER REQUESTS REMOVAL OF THE  
20 SECURITY FREEZE OR UNTIL THE PROTECTED CONSUMER REACHES  
21 EIGHTEEN YEARS OF AGE IN ACCORDANCE WITH SUBSECTION (7)(f) OF THIS  
22 SECTION.

23 (b) WITHIN THREE BUSINESS DAYS AFTER A REQUEST, A CONSUMER  
24 REPORTING AGENCY SHALL REMOVE OR TEMPORARILY LIFT A SECURITY  
25 FREEZE FROM A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD  
26 IF THE PROTECTED CONSUMER OR HIS OR HER GUARDIAN REQUESTS THAT  
27 THE SECURITY FREEZE BE REMOVED OR TEMPORARILY LIFTED AND



1 PROVIDES TO THE CONSUMER REPORTING AGENCY SUFFICIENT PROOF OF  
2 IDENTIFICATION, THE UNIQUE PERSONAL IDENTIFIER PROVIDED BY THE  
3 CONSUMER REPORTING AGENCY PURSUANT TO SUBSECTION (5)(c) OF THIS  
4 SECTION, AND:

5 (I) IF THE PROTECTED CONSUMER'S GUARDIAN MAKES THE  
6 REQUEST, SUFFICIENT PROOF OF AUTHORITY; OR

7 (II) IF THE PROTECTED CONSUMER MAKES THE REQUEST,  
8 DOCUMENTATION DEMONSTRATING THAT THE GUARDIAN'S PROOF OF  
9 AUTHORITY USED TO REQUEST THE SECURITY FREEZE IS NO LONGER VALID.

10 (c) IF THE CONSUMER REPORT OR RECORD WAS FROZEN DUE TO A  
11 MATERIAL MISREPRESENTATION OF FACT BY THE PROTECTED CONSUMER'S  
12 GUARDIAN OR SOMEONE PURPORTING TO BE THE PROTECTED CONSUMER'S  
13 GUARDIAN, THE CONSUMER REPORTING AGENCY SHALL REMOVE THE  
14 SECURITY FREEZE FROM THE PROTECTED CONSUMER'S CONSUMER REPORT  
15 OR RECORD AFTER NOTIFYING THE PROTECTED CONSUMER IN WRITING.

16 (d) IF A PROTECTED CONSUMER'S GUARDIAN OR A PROTECTED  
17 CONSUMER WHO, PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION, HAS  
18 DEMONSTRATED THAT A GUARDIAN'S PROOF OF AUTHORITY IS NO LONGER  
19 VALID WISHES TO MAKE THE PROTECTED CONSUMER'S CONSUMER REPORT  
20 OR RECORD ACCESSIBLE TO ONE OR MORE SPECIFIC THIRD PARTIES, HE OR  
21 SHE MUST:

22 (I) CONTACT THE CONSUMER REPORTING AGENCY TO REQUEST  
23 THAT THE SECURITY FREEZE BE TEMPORARILY LIFTED WITH RESPECT TO A  
24 THIRD PARTY; AND

25 (II) PROVIDE THE CONSUMER REPORTING AGENCY WITH THE  
26 INFORMATION:

27 (A) REQUIRED TO REMOVE OR TEMPORARILY LIFT A SECURITY

1 FREEZE UNDER SUBSECTION (7)(b) OF THIS SECTION, INCLUDING  
2 SUFFICIENT PROOF OF AUTHORITY; AND

3 (B) IDENTIFYING THE PERSON OR PERSONS THAT THE GUARDIAN OR  
4 PROTECTED CONSUMER WISHES TO ALLOW ACCESS TO THE PROTECTED  
5 CONSUMER'S CONSUMER REPORT OR RECORD.

6 (e) A CONSUMER REPORTING AGENCY THAT RECEIVES A VALID  
7 REQUEST TO TEMPORARILY LIFT A FREEZE PURSUANT TO SUBSECTION  
8 (7)(d) OF THIS SECTION SHALL COMPLY WITH THE REQUEST NO LATER THAN  
9 THREE BUSINESS DAYS AFTER RECEIVING THE REQUEST.

10 (f) ONCE A PROTECTED CONSUMER WHO WAS UNDER THE AGE OF  
11 EIGHTEEN AT THE TIME THAT A SECURITY FREEZE WAS PLACED ON THE  
12 PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT TO  
13 THIS SECTION REACHES EIGHTEEN YEARS OF AGE, A CONSUMER REPORTING  
14 AGENCY SHALL AUTOMATICALLY UNFREEZE THE PROTECTED CONSUMER'S  
15 CONSUMER REPORT OR RECORD; EXCEPT THAT, IF THE PROTECTED  
16 CONSUMER'S GUARDIAN OR, IF DONE IN ACCORDANCE WITH SUBSECTION  
17 (7)(b) OF THIS SECTION, THE PROTECTED CONSUMER, AT LEAST ONE  
18 MONTH BEFORE THE PROTECTED CONSUMER REACHES EIGHTEEN YEARS OF  
19 AGE BUT NOT MORE THAN SIX MONTHS BEFORE THE PROTECTED CONSUMER  
20 REACHES EIGHTEEN YEARS OF AGE, REQUESTS THAT THE CONSUMER  
21 REPORTING AGENCY CONTINUE THE SECURITY FREEZE AFTER THE  
22 PROTECTED CONSUMER REACHES EIGHTEEN YEARS OF AGE, THE CONSUMER  
23 REPORTING AGENCY SHALL CONTINUE THE SECURITY FREEZE FREE OF  
24 CHARGE.

25 (8) PURSUANT TO ANY PROCEDURES DEVELOPED IN ACCORDANCE  
26 WITH SECTION 5-18-112 (5), A CONSUMER REPORTING AGENCY MAY USE  
27 E-MAIL OR OTHER ELECTRONIC MEDIA TO RECEIVE AND PROCESS A

1 SECURITY FREEZE REQUEST OR A REQUEST TO TEMPORARILY LIFT A  
2 SECURITY FREEZE.

3 (9) THIS SECTION DOES NOT APPLY TO THE USE OF A CONSUMER  
4 REPORT OR RECORD BY OR FOR ANY OF THE USERS OR USES LISTED IN  
5 SECTION 5-18-112 (11).

6 (10) A CONSUMER REPORTING AGENCY SHALL NOT CHARGE A FEE  
7 FOR A REQUEST TO PLACE, TEMPORARILY LIFT, OR PERMANENTLY REMOVE  
8 A SECURITY FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR  
9 RECORD.

10 (11) A THIRD PARTY MAY TREAT A PROTECTED CONSUMER'S  
11 APPLICATION FOR CREDIT AS INCOMPLETE IF:

12 (a) THE THIRD PARTY REQUESTED ACCESS TO THE PROTECTED  
13 CONSUMER'S CONSUMER REPORT OR RECORD IN CONNECTION WITH AN  
14 APPLICATION FOR CREDIT;

15 (b) THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD  
16 IS FROZEN PURSUANT TO THIS SECTION; AND

17 (c) THE PROTECTED CONSUMER'S GUARDIAN OR THE PROTECTED  
18 CONSUMER HAS NOT ALLOWED THE THIRD PARTY ACCESS TO THE  
19 PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT TO  
20 SUBSECTION (7)(d) OF THIS SECTION.

21 (12) IF A CONSUMER REPORTING AGENCY VIOLATES A SECURITY  
22 FREEZE PLACED ON A PROTECTED CONSUMER'S CONSUMER REPORT OR  
23 RECORD BY RELEASING INFORMATION SUBJECT TO THE SECURITY FREEZE  
24 WITHOUT PROPER AUTHORIZATION TO RELEASE THE INFORMATION, THE  
25 CONSUMER REPORTING AGENCY SHALL NOTIFY THE PROTECTED  
26 CONSUMER'S GUARDIAN OR PROTECTED CONSUMER IN WRITING OF THE  
27 RELEASE OF INFORMATION WITHIN FIVE DAYS AFTER DISCOVERING THE

1 RELEASE OF INFORMATION. THE NOTICE MUST INCLUDE THE SPECIFIC  
2 INFORMATION RELEASED AND THE NAME, ADDRESS, PHONE NUMBER, AND,  
3 IF AVAILABLE, E-MAIL ADDRESS OF THE RECIPIENT OF THE INFORMATION.

4 (13) A CONSUMER'S GUARDIAN OR, IF A PROTECTED CONSUMER  
5 HAS DEMONSTRATED THAT HIS OR HER GUARDIAN'S PROOF OF AUTHORITY  
6 IS NO LONGER VALID PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION,  
7 A PROTECTED CONSUMER MAY DISPUTE INFORMATION IN THE PROTECTED  
8 CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT TO THE  
9 PROCEDURES SET FORTH IN SECTION 5-18-110 AND MAY REQUEST THAT A  
10 CONSUMER REPORTING AGENCY BLOCK THE REPORTING OF INFORMATION  
11 IN THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD PURSUANT  
12 TO SECTION 5-18-111.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 5-18-113.5 as  
14 follows:

15 **5-18-113.5. Notice of rights regarding protected consumers.**  
16 WHENEVER A CONSUMER IS REQUIRED TO RECEIVE A SUMMARY OF RIGHTS  
17 REQUIRED UNDER SECTION 609 OF THE FEDERAL "FAIR CREDIT REPORTING  
18 ACT", 15 U.S.C. SEC. 1681g, OR UNDER STATE LAW, THE FOLLOWING  
19 NOTICE MUST BE INCLUDED:

20 **STATE CONSUMERS HAVE THE RIGHT TO OBTAIN A**  
21 **SECURITY FREEZE FOR THEIR CHILDREN OR LEGAL WARDS**

22 IF A CONSUMER REPORTING AGENCY CREATES A  
23 CONSUMER REPORT FOR AN INDIVIDUAL WHO IS UNDER  
24 EIGHTEEN YEARS OF AGE, A SECURITY FREEZE WILL  
25 AUTOMATICALLY BE PLACED ON THE INDIVIDUAL'S  
26 CONSUMER REPORT FREE OF CHARGE UNTIL THE INDIVIDUAL  
27 REACHES EIGHTEEN YEARS OF AGE OR, PURSUANT TO

1 PROCEDURES ESTABLISHED UNDER STATE LAW, UNTIL THE  
2 INDIVIDUAL OR HIS OR HER PARENT OR LEGAL GUARDIAN  
3 SEEKS REMOVAL OF THE SECURITY FREEZE. SUCH SECURITY  
4 FREEZE WILL BE PERMANENTLY REMOVED FREE OF CHARGE.

5 YOU MAY OBTAIN A SECURITY FREEZE FOR YOUR  
6 CHILD OR LEGAL WARD EVEN IF A CONSUMER REPORT HAS  
7 NOT YET BEEN CREATED FOR YOUR CHILD OR LEGAL WARD  
8 BY REQUESTING THAT A CONSUMER REPORTING AGENCY  
9 CREATE A CONSUMER RECORD FOR HIM OR HER AND PLACE  
10 A SECURITY FREEZE ON HIS OR HER CONSUMER RECORD.  
11 YOU WILL NOT BE CHARGED TO HAVE A CONSUMER RECORD  
12 CREATED FOR YOUR CHILD OR LEGAL WARD AND TO HAVE A  
13 SECURITY FREEZE PLACED ON THE CONSUMER RECORD OR  
14 TO HAVE THE FREEZE TEMPORARILY LIFTED OR  
15 PERMANENTLY REMOVED.

16 IF YOU REQUEST THAT A CONSUMER REPORTING  
17 AGENCY TEMPORARILY LIFT THE SECURITY FREEZE IN PLACE  
18 ON YOUR CHILD'S OR LEGAL WARD'S CONSUMER REPORT OR  
19 RECORD, THE CONSUMER REPORTING AGENCY MUST COMPLY  
20 WITH THE REQUEST NO LATER THAN THREE BUSINESS DAYS  
21 AFTER RECEIVING THE REQUEST.

22 **SECTION 5.** In Colorado Revised Statutes, **amend** 5-18-114 as  
23 follows:

24 **5-18-114. Security freeze - prohibition against changing**  
25 **official information in credit report.** If a security freeze is in place, a  
26 consumer reporting agency shall not change any of the following official  
27 information in a consumer report OR RECORD without sending a written

1 notice of the change to the consumer OR TO A PROTECTED CONSUMER'S  
2 GUARDIAN within thirty days ~~of~~ AFTER the change ~~being~~ IS posted to the  
3 consumer's OR PROTECTED CONSUMER'S file: Name, date of birth, social  
4 security number, and address. Written notice is not required for technical  
5 modifications of a consumer's OR PROTECTED CONSUMER'S official  
6 information, including name and street abbreviations, complete spellings,  
7 or transposition of numbers or letters. In the case of an address change,  
8 THE CONSUMER REPORTING AGENCY SHALL SEND the written notice ~~shall~~  
9 ~~be sent~~ to both the new address and the former address.

10 **SECTION 6.** In Colorado Revised Statutes, 5-18-115, **amend** (1),  
11 (2) introductory portion, and (2)(b) as follows:

12 **5-18-115. Security freeze - exemptions.** (1) (a) EXCEPT AS  
13 SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION, sections 5-18-112 to  
14 5-18-114 ~~shall~~ DO not apply to a consumer reporting agency that:

15 (I) Acts only as a reseller of credit information by assembling and  
16 merging information contained in the database of another consumer  
17 reporting agency or multiple consumer reporting agencies; and ~~that~~

18 (II) Does not maintain a permanent database of credit information  
19 from which new consumer reports OR RECORDS are produced. ~~However,~~

20 (b) A consumer reporting agency shall honor any security freeze  
21 placed on a consumer report OR RECORD by another consumer reporting  
22 agency.

23 (2) The following entities are not required to place A SECURITY  
24 FREEZE in a consumer report ~~a security freeze~~ OR RECORD:

25 (b) A deposit account information service or company that issues  
26 reports regarding account closures due to fraud, substantial overdrafts, or  
27 automatic teller machine abuse or similar negative information regarding

1 a consumer OR PROTECTED CONSUMER to inquiring banks or other  
2 financial institutions for use only in reviewing a consumer request for a  
3 deposit account at the inquiring bank or financial institution;

4 **SECTION 7.** In Colorado Revised Statutes, **amend** 5-18-116 as  
5 follows:

6 **5-18-116. Consumer's right to file action in court or arbitrate**  
7 **disputes.** (1) A CONSUMER, PROTECTED CONSUMER, OR PROTECTED  
8 CONSUMER'S GUARDIAN MAY BRING an action to enforce any obligation of  
9 a consumer reporting agency to a THE consumer, PROTECTED CONSUMER,  
10 OR PROTECTED CONSUMER'S GUARDIAN under this article 18 ~~may be~~  
11 ~~brought~~ in any court of competent jurisdiction as provided by the federal  
12 "Fair Credit Reporting Act", 15 U.S.C. SEC. 1681 ET SEQ., or ~~submitted~~  
13 SUBMIT AN ENFORCEMENT ACTION to binding arbitration IN THE MANNER  
14 SET FORTH IN THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION  
15 TO DETERMINE WHETHER THE CONSUMER REPORTING AGENCY MET ITS  
16 OBLIGATIONS UNDER THIS ARTICLE 18, after the consumer, PROTECTED  
17 CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN has followed, AS  
18 APPLICABLE:

19 (a) All dispute procedures in section 5-18-110 and has received  
20 the notice specified in section 5-18-110 (6); ~~or has followed~~

21 (b) All of the block procedures in section 5-18-111; ~~or has~~  
22 ~~followed~~

23 (c) All of the freeze procedures in section 5-18-112 ~~in the manner~~  
24 ~~set forth in the rules of the American arbitration association to determine~~  
25 ~~whether the consumer reporting agency met its obligations under this~~  
26 ~~article 18 OR 5-18-112.5.~~

27 (2) ~~No~~ AN ARBITRATOR'S decision ~~by an arbitrator~~ pursuant to this

1 section ~~shall~~ DOES NOT affect the validity of any obligations or debts  
2 owed to any party. A successful party to ~~any~~ AN arbitration proceeding  
3 shall be compensated for the costs and attorney fees of the proceeding as  
4 determined by the court or arbitration. ~~No~~ A consumer, ~~may~~ PROTECTED  
5 CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN SHALL NOT submit  
6 more than one action to arbitration against any consumer reporting agency  
7 during any one-hundred-twenty-day period.

8 (3) The results of an arbitration action brought against a consumer  
9 reporting agency doing business in this state shall be communicated in a  
10 timely manner with all other consumer reporting agencies doing business  
11 in this state. If, as a result of an arbitration, a determination is made in  
12 favor of the consumer, PROTECTED CONSUMER, OR PROTECTED  
13 CONSUMER'S GUARDIAN, any adverse information in the consumer's OR  
14 PROTECTED CONSUMER'S file ~~or record~~ shall be blocked, removed, or  
15 stricken in a timely manner, or the consumer report OR RECORD shall be  
16 frozen, within five days ~~of~~ AFTER receipt of the determination by the  
17 consumer reporting agency. If the adverse information is not blocked,  
18 removed, or stricken, or the file is not frozen WITHIN THE TIME SPECIFIED  
19 IN THIS SUBSECTION (3), THEN the consumer, PROTECTED CONSUMER, OR  
20 PROTECTED CONSUMER'S GUARDIAN may bring an action against the  
21 noncomplying agency pursuant to this section notwithstanding the  
22 one-hundred-twenty-day waiting period.

23 **SECTION 8.** In Colorado Revised Statutes, **amend** 5-18-117 as  
24 follows:

25 **5-18-117. Violations.** (1) ~~Any~~ A consumer reporting agency that  
26 willfully violates ~~any provision of~~ this article 18 or the federal "Fair  
27 Credit Reporting Act", 15 U.S.C. sec. 1681c, as amended, ~~shall be~~ IS



1 liable for three times the amount of actual damages or one thousand  
2 dollars, WHICHEVER IS GREATER, for a violation of section 5-18-112 OR  
3 5-18-112.5, or for each inaccurate or unblocked entry in the consumer's  
4 file that was disputed or alleged to be unauthorized in accordance with  
5 section 5-18-111 by the consumer, ~~whichever is greater~~, PLUS reasonable  
6 attorney fees and costs.

7 (2) (a) ~~Any~~ A consumer reporting agency that negligently violates  
8 this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec.  
9 1681c, as amended, ~~shall be~~ IS liable for the greater of actual damages or  
10 one thousand dollars for each violation of section 5-18-112 OR  
11 5-18-112.5, or for each inaccurate or unblocked entry in the consumer's  
12 file that was disputed or alleged BY THE CONSUMER, PROTECTED  
13 CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN to be unauthorized in  
14 accordance with section 5-18-111, ~~by the consumer~~ that affects the  
15 consumer's creditworthiness, as defined in section 5-18-103 (6), plus  
16 reasonable attorney fees and costs if:

17 (I) Within thirty days after receiving notice of dispute from ~~a~~ THE  
18 consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN  
19 in accordance with section 5-18-110, the consumer reporting agency does  
20 not:

21 (A) Correct the complained-of items or activities; and ~~does not~~

22 (B) Send the consumer, PROTECTED CONSUMER, OR PROTECTED  
23 CONSUMER'S GUARDIAN and, upon request of the consumer, PROTECTED  
24 CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN, any person who has  
25 requested the consumer information, written notification of the corrective  
26 action in accordance with section 5-18-110 (6), ~~or section 5-18-112, OR~~  
27 5-18-112.5; or if;

1 (II) Within thirty days after receiving a copy of a police report  
2 alleging, or a certified court order finding, unauthorized activity, the  
3 consumer reporting agency does not block the information in accordance  
4 with section 5-18-111.

5 (b) ~~Any~~ A consumer reporting agency that negligently violates  
6 this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec.  
7 1681c, as amended, ~~shall be~~ IS liable for the greater of actual damages or  
8 one thousand dollars for all violations of section 5-18-112 OR 5-18-112.5  
9 or all inaccurate or unblocked entries in the consumer's file that were  
10 disputed or alleged BY THE CONSUMER, PROTECTED CONSUMER, OR  
11 PROTECTED CONSUMER'S GUARDIAN to be unauthorized in accordance  
12 with section 5-18-111, ~~or section 5-18-112, by the consumer~~ OR  
13 5-18-112.5 AND that did not affect the consumer's OR PROTECTED  
14 CONSUMER'S creditworthiness, plus reasonable attorney fees and costs if:

15 (I) Within thirty days after receiving notice of dispute from a THE  
16 consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN  
17 in accordance with section 5-18-110, the consumer reporting agency does  
18 not:

19 (A) Correct the complained-of items or activities; and ~~does not~~

20 (B) Send TO the consumer, PROTECTED CONSUMER, OR PROTECTED  
21 CONSUMER'S GUARDIAN and, if requested by the consumer, PROTECTED  
22 CONSUMER, OR PROTECTED CONSUMER'S GUARDIAN, TO any person who  
23 has requested the consumer information, written notification of the  
24 corrective action, in accordance with section 5-18-110 (6), ~~or section~~  
25 5-18-112, OR 5-18-112.5; or if,

26 (II) Within thirty days after receiving a copy of a police report  
27 alleging, or a certified court order finding, unauthorized activity, the

1 consumer reporting agency does not block the information in accordance  
2 with section 5-18-111.

3 (3) In addition to the damages assessed under subsections (1) and  
4 (2) of this section, if, ten days after the entry of any judgment for  
5 damages, the consumer's OR PROTECTED CONSUMER'S file is still not  
6 corrected, blocked, or frozen by the consumer reporting agency, the  
7 assessed damages shall be increased to one thousand dollars per day per  
8 unfrozen consumer report OR RECORD or inaccurate or unblocked entry  
9 that remains in the consumer's OR PROTECTED CONSUMER'S file until the  
10 inaccurate entry is corrected or blocked or the consumer report OR  
11 RECORD is frozen.

12 **SECTION 9. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
14 the expiration of the ninety-day period after final adjournment of the  
15 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
16 2018); except that, if a referendum petition is filed pursuant to section 1  
17 (3) of article V of the state constitution against this act or an item, section,  
18 or part of this act within such period, then the act, item, section, or part  
19 will not take effect unless approved by the people at the general election  
20 to be held in November 2018 and, in such case, will take effect on the  
21 date of the official declaration of the vote thereon by the governor.

22 (2) This act applies to actions brought and violations committed  
23 on or after the applicable effective date of this act.