

## CHAPTER 75

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**CONSUMER AND COMMERCIAL TRANSACTIONS**


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**HOUSE BILL 18-1233**

BY REPRESENTATIVE(S) Duran and Lawrence, Ransom, Becker K., Bridges, Buckner, Coleman, Danielson, Exum, Garnett, Gray, Hamner, Hansen, Herod, Kennedy, Kraft-Tharp, Lee, Lontine, Lundeen, McLachlan, Melton, Michaelson Jenet, Pabon, Pettersen, Rosenthal, Singer, Valdez, Van Winkle, Weissman, Williams D., Winter, Young, Beckman, Carver, Catlin, Covarrubias, Esgar, Hooton, Liston, McKean, Rankin, Reyher, Roberts, Salazar, Sias, Wilson, Wist; also SENATOR(S) Fenberg and Gardner, Aguilar, Guzman, Jahn, Jones, Kefalas, Martinez Humenik, Merrifield, Moreno, Tate.

**AN ACT**

**CONCERNING A CONSUMER REPORTING AGENCY'S PLACEMENT OF A SECURITY FREEZE ON THE CONSUMER REPORT OF A CONSUMER WHO IS UNDER THE CHARGE OF A REPRESENTATIVE AT THE REQUEST OF THE CONSUMER'S REPRESENTATIVE.**

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

**SECTION 1.** In Colorado Revised Statutes, 5-18-103, **amend** (15); and **add** (13.5), (13.7), (13.9), (16), and (17) as follows:

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

(13.5) "PROTECTED CONSUMER" MEANS A CONSUMER WHO, AT THE TIME A SECURITY FREEZE REQUEST IS MADE, IS:

- (a) UNDER SIXTEEN YEARS OF AGE; OR
- (b) REPRESENTED BY A REPRESENTATIVE.

(13.7) "RECORD" MEANS A COMPILATION OF INFORMATION THAT:

- (a) IDENTIFIES A PROTECTED CONSUMER;
- (b) IS CREATED BY A CONSUMER REPORTING AGENCY SOLELY FOR THE PURPOSE OF COMPLYING WITH SECTION 5-18-112.5; AND

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(c) IS NOT CREATED OR USED TO CONSIDER THE PROTECTED CONSUMER'S CREDITWORTHINESS, CREDIT STANDING, CREDIT CAPACITY, CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS, OR ELIGIBILITY FOR OTHER FINANCIAL SERVICES.

(13.9) "REPRESENTATIVE" MEANS A:

(a) PARENT OF AN INDIVIDUAL WHO IS UNDER SIXTEEN YEARS OF AGE; OR

(b) LEGAL GUARDIAN WHO, PURSUANT TO A TESTAMENTARY OR OTHER TRUSTEESHIP, POWER OF ATTORNEY, OR COURT APPOINTMENT, IS QUALIFIED TO MAKE DECISIONS REGARDING THE SUPPORT, CARE, EDUCATION, HEALTH, OR WELFARE OF AN INDIVIDUAL.

(15) (a) "Security freeze" or "freeze" means a notice placed in a consumer report or record, at the request of a consumer or a protected consumer's representative and subject to certain exemptions, that prohibits the consumer reporting agency from releasing the consumer report or record or any information from it without the express authorization of the consumer or of the protected consumer's representative.

(b) "SECURITY FREEZE" INCLUDES A NOTICE:

(I) PLACED ON A RECORD CREATED UNDER SECTION 5-18-112.5 FOR A PROTECTED CONSUMER FOR WHOM THE CONSUMER REPORTING AGENCY DOES NOT HAVE A CONSUMER REPORT; AND

(II) THAT PROHIBITS THE CONSUMER REPORTING AGENCY FROM RELEASING THE PROTECTED CONSUMER'S RECORD EXCEPT AS PROVIDED IN SECTION 5-18-112.5.

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

(b) "SUFFICIENT PROOF OF AUTHORITY" INCLUDES:

(I) A COURT ORDER, A COPY OF A VALID POWER OF ATTORNEY, A VALID TRUST DOCUMENT, OR ANOTHER LEGAL DOCUMENT THAT CLEARLY ESTABLISHES THE AUTHORITY OF THE REPRESENTATIVE TO ACT ON BEHALF OF THE PROTECTED CONSUMER; OR

(II) IN THE CASE OF A REPRESENTATIVE WHO IS A PARENT OF THE PROTECTED CONSUMER, A CERTIFIED OR OFFICIAL COPY OF THE PROTECTED CONSUMER'S BIRTH CERTIFICATE.

(17) (a) "SUFFICIENT PROOF OF IDENTIFICATION" MEANS DOCUMENTATION IDENTIFYING A PROTECTED CONSUMER OR A REPRESENTATIVE.

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

IDENTIFICATION DOCUMENT.

**SECTION 2.** In Colorado Revised Statutes, **add 5-18-112.5** as follows:

**5-18-112.5. Security freeze for protected consumers.** (1) A REPRESENTATIVE MAY PLACE A SECURITY FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD BY:

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

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

(2)(a) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A CONSUMER REPORT PERTAINING TO A PROTECTED CONSUMER WHEN THE CONSUMER REPORTING AGENCY RECEIVES A REQUEST FOR A SECURITY FREEZE UNDER SUBSECTION (1) OF THIS SECTION, THE CONSUMER REPORTING AGENCY SHALL CREATE A RECORD FOR THE PROTECTED CONSUMER AND PLACE A SECURITY FREEZE ON THE RECORD, ONLY IF THE PROTECTED CONSUMER'S REPRESENTATIVE REQUESTS, IN WRITING, A SECURITY FREEZE AND PROVIDES REQUIRED DOCUMENTATION IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

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

(3) A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY FREEZE ON A CONSUMER REPORT OR RECORD WITHIN TEN BUSINESS DAYS AFTER CONFIRMING THE AUTHENTICITY OF A SECURITY FREEZE REQUEST MADE IN ACCORDANCE WITH THIS SECTION.

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

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

(5) WITHIN TEN BUSINESS DAYS AFTER INSTITUTING A SECURITY FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD, THE CONSUMER REPORTING AGENCY SHALL:

(a) SEND WRITTEN CONFIRMATION OF THE SECURITY FREEZE TO THE ADDRESS ON

FILE; AND

(b) PROVIDE THE REPRESENTATIVE WITH INSTRUCTIONS FOR REMOVING THE SECURITY FREEZE.

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

(7)(a) A SECURITY FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD REMAINS IN EFFECT UNTIL THE PROTECTED CONSUMER'S REPRESENTATIVE OR, IF AUTHORIZED UNDER THIS SUBSECTION (7), THE PROTECTED CONSUMER REQUESTS REMOVAL OF THE SECURITY FREEZE.

(b) WITHIN TEN BUSINESS DAYS AFTER CONFIRMING THE AUTHENTICITY OF A REQUEST, A CONSUMER REPORTING AGENCY SHALL REMOVE A SECURITY FREEZE FROM A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD IF A PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE REQUESTS THAT THE SECURITY FREEZE BE REMOVED AND PROVIDES TO THE CONSUMER REPORTING AGENCY SUFFICIENT PROOF OF IDENTIFICATION, AND:

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

(II) IF THE PROTECTED CONSUMER MAKES THE REQUEST, DOCUMENTATION DEMONSTRATING THAT THE REPRESENTATIVE'S PROOF OF AUTHORITY USED TO REQUEST THE SECURITY FREEZE IS NO LONGER VALID. SUCH DOCUMENTATION MAY INCLUDE PROOF THAT THE PROTECTED CONSUMER IS SIXTEEN YEARS OF AGE OR OLDER OR THAT THE REPRESENTATIVE'S APPOINTMENT IS NO LONGER VALID.

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

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

(9) THIS SECTION DOES NOT APPLY TO:

(a) THE USE OF A CONSUMER REPORT OR RECORD BY OR FOR ANY OF THE USERS OR USES LISTED IN SECTION 5-18-112 (11);

(b) A CONSUMER REPORTING AGENCY PROVIDING A COPY OF THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD TO THE PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE IF REQUESTED BY THE PROTECTED CONSUMER OR PROTECTED CONSUMER'S REPRESENTATIVE; OR

(c) AN ENTITY LISTED IN SECTION 5-18-115 (2).

(10) A CONSUMER REPORTING AGENCY SHALL NOT CHARGE A FEE TO CREATE A RECORD IN ACCORDANCE WITH THIS SECTION OR FOR A REQUEST TO PLACE OR REMOVE A SECURITY FREEZE ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD. A CONSUMER REPORTING AGENCY ALSO SHALL NOT CHARGE A FEE TO PLACE, TEMPORARILY LIFT, TEMPORARILY LIFT FOR A SPECIFIC PARTY, OR PERMANENTLY REMOVE A SECURITY FREEZE ON THE CONSUMER REPORT OR RECORD OF ANY CONSUMER UNDER EIGHTEEN YEARS OF AGE.

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

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

(b) THE PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD IS FROZEN PURSUANT TO THIS SECTION.

(12) IF A CONSUMER REPORTING AGENCY VIOLATES A SECURITY FREEZE PLACED ON A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD BY RELEASING INFORMATION SUBJECT TO THE SECURITY FREEZE WITHOUT PROPER AUTHORIZATION TO RELEASE THE INFORMATION, THE CONSUMER REPORTING AGENCY SHALL NOTIFY THE PROTECTED CONSUMER'S REPRESENTATIVE OR PROTECTED CONSUMER IN WRITING OF THE RELEASE OF INFORMATION WITHIN FIVE BUSINESS DAYS AFTER DISCOVERING THE RELEASE OF INFORMATION. THE NOTICE MUST INCLUDE THE SPECIFIC INFORMATION RELEASED AND THE NAME, ADDRESS, PHONE NUMBER, AND, IF AVAILABLE, E-MAIL ADDRESS OF THE RECIPIENT OF THE INFORMATION.

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

**SECTION 3.** In Colorado Revised Statutes, add 5-18-113.5 as follows:

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

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

YOU MAY OBTAIN FROM A CONSUMER REPORTING AGENCY A CREDIT

REPORT SECURITY FREEZE FOR YOUR CHILD WHO IS UNDER SIXTEEN YEARS OF AGE OR FOR YOUR LEGAL WARD. IF A CONSUMER REPORT HAS NOT YET BEEN CREATED FOR YOUR CHILD OR LEGAL WARD, YOU MAY REQUEST THAT A CONSUMER REPORTING AGENCY CREATE A CONSUMER RECORD FOR HIM OR HER AND PLACE A SECURITY FREEZE ON HIS OR HER CONSUMER RECORD. YOU WILL NOT BE CHARGED TO HAVE A SECURITY FREEZE PLACED ON YOUR CHILD'S OR LEGAL WARD'S CONSUMER REPORT OR TO HAVE A CONSUMER RECORD CREATED FOR YOUR CHILD OR LEGAL WARD AND TO HAVE A SECURITY FREEZE PLACED ON THE CONSUMER RECORD. YOU WILL NOT BE CHARGED TO HAVE A SECURITY FREEZE PLACED ON OR REMOVED FROM YOUR CHILD'S OR LEGAL WARD'S CREDIT REPORT OR RECORD.

**SECTION 4.** In Colorado Revised Statutes, amend 5-18-114 as follows:

**5-18-114. Security freeze - prohibition of changing official information in credit report or record.** If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer report OR RECORD without sending a written notice of the change to the consumer OR TO A PROTECTED CONSUMER'S REPRESENTATIVE within thirty days ~~of~~ AFTER the change ~~being~~ is posted to the consumer's OR PROTECTED CONSUMER'S file: Name, date of birth, social security number, and address. Written notice is not required for technical modifications of a consumer's OR PROTECTED CONSUMER'S official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, THE CONSUMER REPORTING AGENCY SHALL SEND the written notice ~~shall be sent~~ to both the new address and the former address.

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

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

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

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

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

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

(b) A deposit account information service or company that issues reports regarding account closures due to fraud, substantial overdrafts, or automatic teller machine abuse or similar negative information regarding a consumer OR PROTECTED CONSUMER to inquiring banks or other financial institutions for use only in

reviewing a consumer request for a deposit account at the inquiring bank or financial institution;

**SECTION 6.** In Colorado Revised Statutes, **amend** 5-18-116 as follows:

**5-18-116. Consumer's right to file action in court or arbitrate disputes.** (1) A CONSUMER, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE MAY BRING AN ACTION TO ENFORCE ANY OBLIGATION OF A CONSUMER REPORTING AGENCY HAS TO A CONSUMER, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE UNDER THIS ARTICLE 18 ~~may be brought~~ IN ANY COURT OF COMPETENT JURISDICTION AS PROVIDED BY THE FEDERAL "Fair Credit Reporting Act", 15 U.S.C. SEC. 1681 ET SEQ., AS AMENDED, OR ~~submitted~~ SUBMIT AN ENFORCEMENT ACTION TO BINDING ARBITRATION, IN THE MANNER SET FORTH IN THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION, TO DETERMINE WHETHER THE CONSUMER REPORTING AGENCY MET ITS OBLIGATIONS UNDER THIS ARTICLE 18 ~~after the consumer,~~ PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE HAS FOLLOWED, AS APPLICABLE:

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

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

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

(2) AN ARBITRATOR'S DECISION BY AN ARBITRATOR PURSUANT TO THIS SECTION ~~shall~~ DOES NOT AFFECT THE VALIDITY OF ANY OBLIGATIONS OR DEBTS OWED TO ANY PARTY. A SUCCESSFUL PARTY TO ANY ARBITRATION PROCEEDING SHALL BE COMPENSATED FOR THE COSTS AND ATTORNEY FEES OF THE PROCEEDING AS DETERMINED BY THE COURT OR ARBITRATION. ~~NO~~ A CONSUMER, ~~may~~ PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE SHALL NOT SUBMIT MORE THAN ONE ACTION TO ARBITRATION AGAINST ANY CONSUMER REPORTING AGENCY DURING ANY ONE-HUNDRED-TWENTY-DAY PERIOD.

(3) The results of an arbitration action brought against a consumer reporting agency doing business in this state shall be communicated in a timely manner with all other consumer reporting agencies doing business in this state. If, as a result of an arbitration, a determination is made in favor of the consumer, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE, any adverse information in the consumer's OR PROTECTED CONSUMER'S FILE, REPORT, OR RECORD SHALL BE BLOCKED, REMOVED, OR STRICKEN IN A TIMELY MANNER, OR THE CONSUMER REPORT OR RECORD SHALL BE FROZEN WITHIN FIVE DAYS ~~OF~~ AFTER RECEIPT OF THE DETERMINATION BY THE CONSUMER REPORTING AGENCY. IF THE ADVERSE INFORMATION IS NOT BLOCKED, REMOVED, OR STRICKEN, OR THE FILE IS NOT FROZEN, THE CONSUMER, PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE MAY BRING AN ACTION AGAINST THE NONCOMPLYING AGENCY PURSUANT TO THIS SECTION NOTWITHSTANDING THE ONE-HUNDRED-TWENTY-DAY WAITING PERIOD.

**SECTION 7.** In Colorado Revised Statutes, **amend** 5-18-117 as follows:

**5-18-117. Violations.** (1) ~~Any~~ A consumer reporting agency that willfully violates ~~any provision of~~ this article 18 or the federal "Fair Credit Reporting Act", 15 U.S.C. sec. 1681c, as amended, ~~shall be~~ is liable for three times the amount of actual damages or one thousand dollars, ~~WHICHEVER IS GREATER~~, for a violation of section 5-18-112 OR 5-18-112.5, or for each inaccurate or unblocked entry in the consumer's OR PROTECTED CONSUMER'S file that was disputed or alleged to be unauthorized in accordance with section 5-18-111 by the consumer, ~~whichever is greater~~ PROTECTED CONSUMER, OR PROTECTED CONSUMER'S REPRESENTATIVE, PLUS reasonable attorney fees and costs.

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

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

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

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

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

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

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

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



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

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

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

**SECTION 8. Act subject to petition - effective date - applicability.** (1) This act takes effect January 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on January 1, 2019, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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

Approved: March 29, 2018