AN ACT

To enact R.S. 9:3571.3, relative to credit reports of protected persons; to provide for prohibitions on the release of credit information of protected persons; to provide for definitions; to provide for exceptions; to provide for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3571.3 is hereby enacted to read as follows:

§3571.3. Security freezes for protected persons

A. In this Section, the following words have the meanings indicated:

(1) "Credit report" has the same meaning as in R.S. 9:3571.1(H)(2).

(2) "Credit reporting agency" has the same meaning as in R.S. 9:3571.1(H)(3).

(3) "Protected person" means an individual who is either of the following:

(a) Under the age of sixteen years at the time a request for the placement of a security freeze is made.

(b) An interdicted person for whom a curator has been appointed, or an incapacitated person or a protected person for whom a guardian or conservator has been appointed.

(4) "Protected person security freeze" means either of the following:

(a) If a credit reporting agency does not have a credit report pertaining to a protected person, a restriction that meets each of the following criteria:

(i) Is placed on the protected person's record in accordance with this Section.
(ii) Prohibits the credit reporting agency from releasing the protected person's record except as provided in this Section.

(b) If a credit reporting agency has a credit report pertaining to the protected person, a restriction that meets each of the following criteria:

(i) Is placed on the protected person's credit report in accordance with this Section.

(ii) Prohibits the credit reporting agency from releasing the protected person's credit report or any information derived from the protected person's credit report, except as provided in this Section.

(5) "Record" means a compilation of information that meets all of the following:

(a) Identifies a protected consumer.

(b) Is created by a credit reporting agency solely for the purpose of complying with this Section.

(c) Is not created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

(6) "Representative" means a person who provides to a credit reporting agency sufficient proof of authority to act on behalf of a protected person.

(7) "Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected person. "Sufficient proof of authority" includes any of the following:

(a) An order issued by a court of law.

(b) A lawfully executed and valid power of attorney.

(c) A written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected person.

(8) "Sufficient proof of identification" means information or documentation that identifies a protected person or a representative of a protected person. "Sufficient proof of identification" includes any of the following:
(a) A social security number or a copy of a social security card issued by the Social Security Administration.

(b) A certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate.

(c) A copy of a driver's license, an identification card issued by the office of motor vehicles, or any other government-issued identification.

(d) A copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

B. This Section shall not apply to the use of a protected person's credit report or record by any of the following:

(1) A person administering a credit report monitoring subscription service to which:

(a) The protected person has subscribed.

(b) The representative of the protected person has subscribed on behalf of the protected person.

(2) A person providing the protected person or the protected person's representative with a copy of the protected person's credit report on request of the protected person or the protected person's representative.

(3) An entity or person listed in R.S. 9:3571.1(L).

C. A credit reporting agency shall place a protected person security freeze on the credit report of a protected person if the protected person's representative does all of the following to request a protected person security freeze pursuant to this Section:

(1) Submits the request for a protected person security freeze to the credit reporting agency at the address or other point of contact in the manner specified by the credit reporting agency.

(2) Provides to the credit reporting agency sufficient proof of identification of the protected person and the representative.

(3) Provides to the credit reporting agency sufficient proof of authority to act on behalf of the protected person.
D. If a credit reporting agency does not have a credit report pertaining to a protected person when the credit reporting agency receives a request for a protected person security freeze under Subsection C of this Section, the credit reporting agency shall create a record for the protected person.

E.(1) Within thirty days after receiving a request for a protected person security freeze that meets the requirements of Subsection C of this Section, a credit reporting agency shall place a protected person security freeze on the protected person’s credit report.

(2) A protected person security freeze placed pursuant to this Subsection shall remain in effect until either of the following:

(a) The protected person or the protected person’s representative requests the credit reporting agency to remove the protected person security freeze in accordance with Subsection G of this Section.

(b) The protected person security freeze is removed in accordance with Subsection J of this Section.

F. Unless a protected person security freeze is removed in accordance with Subsection G or J of this Section, a credit reporting agency may not release the protected person’s credit report, any information derived from the protected person’s credit report, or any record created for the protected person.

G. If a protected person or a protected person’s representative wishes to remove a protected person security freeze, the protected person or the protected person’s representative shall submit a request for the removal of the protected person security freeze to the credit reporting agency at the address or other point of contact in the manner specified by the credit reporting agency.

(1) In the case of a request by the protected person, the protected person shall provide both of the following:

(a) Documentation that the sufficient proof of authority for the protected person’s representative to act on behalf of the protected person is no longer valid.
including documentation that the protected person has reached the age of sixteen
years or is no longer incapacitated.

(b) Sufficient proof of identification of the protected person.

(2) In the case of a request by the representative of a protected person, the
representative of the protected person shall provide all of the following:

(a) Sufficient proof of identification of the protected person and the
representative.

(b) Sufficient proof of authority to act on behalf of the protected person.

(c) Payment to the credit reporting agency a fee as provided in Subsection
I of this Section.

H. Within thirty days after receiving a request that meets the requirements
of Subsection G of this Section, the credit reporting agency shall remove the
protected person security freeze.

I. (1) A credit reporting agency may charge a reasonable fee, not exceeding
ten dollars, for each placement or removal of a protected person security freeze
pursuant to this Section.

(2) Notwithstanding Paragraph (1) of this Subsection, a credit reporting
agency may not charge any fee pursuant to this Section if either of the following
apply:

(a) The protected person's representative does both of the following:

(i) Obtains a report of alleged identity fraud against the protected person.

(ii) Provides a copy of the report to the credit reporting agency.

(b) A request for the placement or removal of a protected person security
freeze is for a protected person who is under the age of sixteen years at the time of
the request and the credit reporting agency has a credit report pertaining to the
protected person.

J. A credit reporting agency may remove a protected person security freeze
or delete a record of a protected person if the protected person security freeze was
placed or the record was created based on a material misrepresentation of fact by the
protected person or the protected person's representative.
K. Any consumer damaged by an intentional or negligent violation of this Section may bring an action for and shall be entitled to recovery of actual damages, plus reasonable attorney fees, court costs, and other reasonable costs of prosecution of the suit.

Section 2. This Act shall take effect January 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________