

Effective 1/1/2016

Part 5
Credit Report Protection for Minors

13-45-501 Title.

This part is known as "Credit Report Protection for Minors."

Enacted by Chapter 191, 2015 General Session

13-45-502 Definitions.

As used in this part, "security freeze" means:

- (1) if a consumer reporting agency does not have a file that pertains to a protected consumer, a restriction that:
 - (a) is placed on the protected consumer's record in accordance with this part; and
 - (b) except as otherwise provided in this part, prohibits the consumer reporting agency from releasing the protected consumer's record; or
- (2) if a consumer reporting agency has a file that pertains to the protected consumer, a restriction that:
 - (a) is placed on the protected consumer's credit report in accordance with this part; and
 - (b) except as otherwise provided in this part, prohibits the consumer reporting agency from releasing the protected consumer's credit report or any information derived from the protected consumer's credit report.

Enacted by Chapter 191, 2015 General Session

13-45-503 Applicability.

This part does not apply to the use of a protected consumer's credit report or record by:

- (1) a person administering a credit file monitoring subscription service to which:
 - (a) the protected consumer has subscribed; or
 - (b) the protected consumer's representative has subscribed on the protected consumer's behalf;
- (2) a person who, upon request from the protected consumer or the protected consumer's representative, provides the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report;
- (3) a check services or fraud prevention services company that issues:
 - (a) reports on incidents of fraud; or
 - (b) authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar payment methods;
- (4) a deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar information regarding an individual to inquiring banks or other financial institutions for use only in reviewing an individual's request for a deposit account at the inquiring bank or financial institution;
- (5) an insurance company for the purpose of conducting the insurance company's ordinary business;
- (6) a consumer reporting agency that:
 - (a) only resells credit information by assembling and merging information contained in a database of another consumer reporting agency or multiple consumer reporting agencies; and

- (b) does not maintain a permanent database of credit information from which new credit reports are produced; or
- (7) a consumer reporting agency's database or file that consists of information that:
 - (a) concerns and is used for:
 - (i) criminal record information;
 - (ii) fraud prevention or detection;
 - (iii) personal loss history information; or
 - (iv) employment, tenant, or individual background screening; and
 - (b) is not used for credit granting purposes.

Enacted by Chapter 191, 2015 General Session

13-45-504 Security freeze for protected consumer.

- (1) A consumer reporting agency shall place a security freeze for a protected consumer if:
 - (a) the consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze; and
 - (b) the protected consumer's representative:
 - (i) submits the request described in Subsection (1)(a):
 - (A) to the address or other point of contact provided by the consumer reporting agency; and
 - (B) in the manner specified by the consumer reporting agency;
 - (ii) submits to the consumer reporting agency:
 - (A) sufficient proof of identification of the protected consumer;
 - (B) sufficient proof of identification of the protected consumer's representative; and
 - (C) sufficient proof of authority to act on behalf of the protected consumer; and
 - (iii) if applicable, pays the consumer reporting agency a fee described in Subsection 13-45-506(2).
- (2) If a consumer reporting agency does not have a file that pertains to a protected consumer when the consumer reporting agency receives a request described in Subsection (1), the consumer reporting agency shall create a record for the protected consumer.
- (3) A consumer reporting agency shall place a security freeze for a protected consumer within 30 days after the day on which the consumer reporting agency receives a request described in Subsection (1).
- (4) After a consumer reporting agency places a security freeze under this section, the consumer reporting agency may not release the protected consumer's credit report, any information derived from the protected consumer's credit report, or any record created for the protected consumer, unless the security freeze for the protected consumer is removed in accordance with Section 13-45-505.
- (5) A security freeze that is placed in accordance with this section shall remain in effect until:
 - (a) the protected consumer's representative or the consumer who is subject to a protected consumer security freeze requests the consumer reporting agency remove the security freeze in accordance with Subsection 13-45-505(1); or
 - (b) the security freeze is removed in accordance with Subsection 13-45-505(3).

Enacted by Chapter 191, 2015 General Session

13-45-505 Removal of security freeze for protected consumer.

- (1) To remove a security freeze that is placed under this part, the protected consumer's representative or the consumer who is subject to a protected consumer security freeze shall:

- (a) submit a request for the removal of the security freeze to the consumer reporting agency:
 - (i) at the address or other point of contact provided by the consumer reporting agency; and
 - (ii) in the manner specified by the consumer reporting agency;
 - (b) provide to the consumer reporting agency:
 - (i) in the case of a request by a protected consumer's representative:
 - (A) sufficient proof of identification of the protected consumer;
 - (B) sufficient proof of identification of the protected consumer's representative; and
 - (C) sufficient proof of authority to act on behalf of the protected consumer; or
 - (ii) in the case of a request by the consumer who is subject to a protected consumer security freeze:
 - (A) sufficient proof of identification of the consumer who is subject to a protected consumer security freeze; and
 - (B) proof that the consumer who is subject to a protected consumer security freeze is not a protected consumer; and
 - (c) if applicable, pay the consumer reporting agency a fee described in Subsection 13-45-506(2).
- (2) Within 30 days after the day on which a consumer reporting agency receives a request under Subsection (1), the consumer reporting agency shall remove the security freeze.
- (3) A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

Enacted by Chapter 191, 2015 General Session

13-45-506 Fees.

- (1) Except as provided in Subsection (2), a consumer reporting agency may not charge a fee for any service performed under this part.
- (2) A consumer reporting agency may charge a reasonable fee, which does not exceed \$5, for each placement or removal of a security freeze under this part, unless:
 - (a) the protected consumer's representative:
 - (i) has obtained a police report that states the protected consumer is the alleged victim of identity fraud; and
 - (ii) provides a copy of the report to the consumer reporting agency; or
 - (b)
 - (i) the protected consumer is less than 16 years of age at the time the request is submitted to the consumer reporting agency; and
 - (ii) the consumer reporting agency has a file that pertains to the protected consumer.

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