

FORTY- EIGHTH LEGISLATURE
FIRST SESSION

February 21, 2007

SENATE FLOOR AMENDMENT number ___1___ to SENATE JUDICIARY
COMMITTEE SUBSTITUTE FOR
SENATE BILLS 165 & 448

Amendment sponsored by Senator William E. Sharer

1. On page 4, line 13, strike "no" and strike lines 14 through 17 in their entirety and insert in lieu thereof "within the following time periods:

(1) three business days after the business day on which the consumer's written request to release the consumer's credit report is received by the consumer reporting agency at the address designated by the consumer reporting agency; or

(2) on or after September 1, 2008, fifteen minutes after the consumer's request is received by the consumer reporting agency through a secure electronic method provided by the agency, or through the use of a telephone, during normal business hours, and the request includes the consumer's proper identification and unique personal identification number, password or similar device. "

2. On page 4, between lines 17 and 18, insert the following new subsection:

"F. A consumer reporting agency need not remove a security freeze within the time periods set forth in Subsection E of this section if:

(1) the consumer fails to meet the requirements of Subsection D of this section; or

(2) the consumer reporting agency's ability to

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remove the security freeze within fifteen minutes is prevented by:

(a) an act of God, including fire, earthquake, hurricane, storm or similar natural disaster or phenomenon;

(b) unauthorized or illegal acts by a third party, including terrorism, sabotage, riots, vandalism, labor strikes or disputes disrupting operations or similar occurrences;

(c) operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failure inhibiting response time or similar disruption;

(d) governmental action, including emergency orders or regulations, judicial or law enforcement actions or similar directives;

(e) regularly scheduled maintenance of, or updates to, the consumer reporting agency's systems during other than normal business hours;

(f) commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; or

(g) receipt of a removal request outside of normal business hours. "

3. Reletter the succeeding subsections accordingly.

William E. Sharer

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____