

1 SENATE BILL 59

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Cisco McSorley

5
6
7
8
9
10 AN ACT

11 RELATING TO CREDIT REPORTS; CHANGING THE DEFINITION OF
12 "CONSUMER" TO SPECIFICALLY ALLOW PARENTS OR GUARDIANS TO
13 REQUEST A SECURITY FREEZE OF A MINOR'S OR PROTECTED PERSON'S
14 CREDIT REPORT.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 56-3A-2 NMSA 1978 (being Laws 2007,
18 Chapter 106, Section 2, as amended) is amended to read:

19 "56-3A-2. DEFINITIONS.--As used in the Fair Credit
20 Reporting and Identity Security Act:

21 A. "consumer" means an individual who is a resident
22 of New Mexico, including:

23 (1) the parent or guardian of a person who is
24 a minor at the time a request for the placement of a security
25 freeze is made;

.208767.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 (2) an incapacitated person or a protected
2 person for whom a guardian or conservator has been appointed;
3 or

4 (3) an individual who is under the
5 jurisdiction of the children, youth and families department and
6 is in foster care at the time a request for placement of a
7 security freeze is made;

8 B. "consumer reporting agency" means any person
9 that, for monetary fees, dues or on a cooperative nonprofit
10 basis, regularly engages in the practice of assembling or
11 evaluating consumer credit information or other information on
12 consumers for the purpose of furnishing credit reports to third
13 parties;

14 C. "credit report" means a written, oral or other
15 communication of information by a consumer reporting agency
16 bearing on a consumer's [~~credit-worthiness~~] creditworthiness,
17 credit standing, credit capacity, character, general
18 reputation, personal characteristics or mode of living that is
19 used or expected to be used or collected for the purpose of
20 serving as a factor in establishing the consumer's eligibility
21 for credit, insurance, investment, benefit, employment or other
22 purpose as authorized by the federal Fair Credit Reporting Act,
23 15 U.S.C. Section 1681a;

24 D. "declaration of removal" means an identity
25 theft report with a sworn affidavit that is delivered by

.208767.1

1 regular or certified mail or facsimile or delivered
2 electronically to a consumer reporting agency that operates
3 within New Mexico and which affidavit states:

4 (1) that the consumer is entitled to removal
5 of information in the consumer reporting agency's files on
6 grounds that the consumer is the victim of identity theft; and

7 (2) the address at which the consumer is
8 available for service of process by the consumer reporting
9 agency and proper identifying information by which the consumer
10 can be identified by the consumer reporting agency;

11 E. "person" means an individual, corporation, firm,
12 association, organization, trust, estate, cooperative,
13 business, partnership, limited liability company, joint
14 venture, governmental agency or subdivision or any legal or
15 commercial entity;

16 F. "security freeze" means a notice placed in a
17 consumer's credit report, at the request of the consumer and
18 subject to certain exceptions, that prohibits a consumer
19 reporting agency from releasing the consumer's credit report or
20 score relating to the extension of credit or the opening of new
21 accounts without the express authorization of the consumer; and

22 G. "operates within New Mexico" means accepting or
23 maintaining a credit report on a person that resides within New
24 Mexico."