

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2220**

Cobb Floor Amendment

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As passed the Committee on Banking and Financial Services, HB 2220 enables a protected consumer's representative to request a security freeze to be placed on a protected consumer's record or credit report.

The floor amendment dated 2-25-15, at 10:28am makes the following changes:

- Replaces the term *consumer* with *person*.
- Clarifies that an act of deception, fraud, false pretense, misrepresentation, or concealment is unlawful and subject to enforcement through a private action and by the Attorney General.
- Adds that the security freeze does not apply to the use of a protected consumer's credit report or record by:
  - A governmental entity when carrying out its duties.
  - A specified individual or agent of that individual in conjunction with the proposed purchase of a financial obligation with which the protected person has or had, or to whom the protected person issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owed for the account, contract or negotiable instrument.

Amendment explanation prepared by Paul Benny

Phone Number 4587

lcs

2/25/2015

COBB FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2220

(Reference to BANKING AND FINANCIAL SERVICES Committee amendment)

- 1 Page 1, line 5, strike "consumer" insert "person"
- 2 Lines 7, 9 and 10, strike "CONSUMER'S" insert "PERSON'S"
- 3 Lines 15 and 17, strike "CONSUMER" insert "PERSON"
- 4 Line 21, strike the first "CONSUMER" insert "PERSON"
- 5 Line 23, strike "CONSUMER" insert "PERSON"
- 6 Lines 26 and 29, strike "CONSUMER'S" insert "PERSON'S"
- 7 Line 30, strike "CONSUMER'S" insert "PERSON'S"; strike "CONSUMER" insert
- 8 "PERSON"
- 9 Line 31, strike "CONSUMER'S" insert "PERSON'S"
- 10 Page 2, line 1, strike "CONSUMER" insert "PERSON"; strike "CONSUMER'S" insert
- 11 "PERSON'S"
- 12 Line 6, strike "CONSUMER" insert "PERSON"
- 13 Line 7, strike "CONSUMER" insert "PERSON"; strike "CONSUMER'S" insert "PERSON'S"
- 14 Line 12, strike "CONSUMER" insert "PERSON"
- 15 Line 13, strike the first "CONSUMER" insert "PERSON"
- 16 Line 15, strike "CONSUMER'S" insert "PERSON'S"
- 17 Lines 16 and 17, strike "CONSUMER" insert "PERSON"
- 18 Line 18, strike "CONSUMER'S" insert "PERSON'S"
- 19 Line 19, strike "CONSUMER" insert "PERSON"
- 20 Line 20, strike "CONSUMER'S" insert "PERSON'S"
- 21 Lines 22, 25 and 28, strike "CONSUMER" insert "PERSON"
- 22 Lines 31 and 35, strike "CONSUMER'S" insert "PERSON'S"
- 23 Line 36, strike the second "CONSUMER" insert "PERSON"
- 24 Line 40, strike "CONSUMER" insert "PERSON"
- 25 Page 3, line 2, strike "CONSUMER" insert "PERSON"
- 26 Line 4, strike "CONSUMER" insert "PERSON"; strike "CONSUMER'S" insert "PERSON'S"
- 27 Line 6, strike "CONSUMER" insert "PERSON"
- 28 Line 7, strike "CONSUMER'S" insert "PERSON'S"

1 Page 3, strike line 8, insert:

2 "K. AN ACT OR PRACTICE IN VIOLATION OF THIS SECTION IS AN UNLAWFUL  
3 PRACTICE UNDER SECTION 44-1522 AND IS SUBJECT TO ENFORCEMENT THROUGH A  
4 PRIVATE ACTION AND BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY  
5 INVESTIGATE AND TAKE APPROPRIATE ACTION AS PRESCRIBED BY CHAPTER 10, ARTICLE  
6 7 OF THIS TITLE. THE REMEDIES PROVIDED IN THIS SECTION ARE NOT INTENDED TO  
7 BE THE EXCLUSIVE REMEDIES AVAILABLE TO A CONSUMER."

8 Line 9, strike "CONSUMER'S" insert "PERSON'S"

9 Line 13, strike "CONSUMER" insert "PERSON"

10 Line 14, strike "CONSUMER'S" insert "PERSON'S"

11 Line 15, strike "CONSUMER" insert "PERSON"

12 Line 16, strike "CONSUMER" insert "PERSON"

13 Line 17, in both places strike "CONSUMER'S" insert "PERSON'S"

14 Line 18, strike "CONSUMER" insert "PERSON"; strike "CONSUMER'S" insert  
15 "PERSON'S"

16 Page 4, between lines 7 and 8, insert:

17 "8. A GOVERNMENTAL ENTITY WHEN CARRYING OUT ITS DUTIES.

18 9. A PERSON, A SUBSIDIARY, AFFILIATE, AGENT OR SUBCONTRACTOR OF THAT  
19 PERSON, AN ASSIGNEE OF A FINANCIAL OBLIGATION OWED BY THE PROTECTED PERSON TO  
20 THAT PERSON OR A PROSPECTIVE ASSIGNEE OF A FINANCIAL OBLIGATION OWED BY THE  
21 PROTECTED PERSON TO THAT PERSON IN CONJUNCTION WITH THE PROPOSED PURCHASE OF  
22 THE FINANCIAL OBLIGATION WITH WHICH THE PROTECTED PERSON HAS OR HAD BEFORE  
23 ASSIGNMENT AN ACCOUNT OR CONTRACT, INCLUDING A DEMAND DEPOSIT ACCOUNT, OR TO  
24 WHOM THE PROTECTED PERSON ISSUED A NEGOTIABLE INSTRUMENT, FOR THE PURPOSES OF  
25 REVIEWING THE ACCOUNT OR COLLECTING THE FINANCIAL OBLIGATION OWED FOR THE  
26 ACCOUNT, CONTRACT OR NEGOTIABLE INSTRUMENT. FOR THE PURPOSES OF THIS  
27 PARAGRAPH, "REVIEWING THE ACCOUNT" INCLUDES ACTIVITIES THAT ARE RELATED TO  
28 ACCOUNT MAINTENANCE, MONITORING, CREDIT LINE INCREASES AND ACCOUNT UPGRADES  
29 AND ENHANCEMENTS."

30 Lines 9 and 15, strike "CONSUMER" insert "PERSON"

31 Line 19, strike "CONSUMER'S" insert "PERSON'S"

32 Lines 23 and 26, strike "CONSUMER" insert "PERSON"

- 1 Lines 27 and 28, strike "CONSUMER'S" insert "PERSON'S"
- 2 Line 30, strike "CONSUMER" insert "PERSON"; strike "CONSUMER'S" insert
- 3 "PERSON'S"
- 4 Lines 32 and 33, strike "CONSUMER'S" insert "PERSON'S"
- 5 Line 35, strike "CONSUMER" insert "PERSON"
- 6 Page 5, lines 3, 5 and 6, strike "CONSUMER" insert "PERSON"
- 7 Amend title to conform

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REGINA COBB

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2/25/15  
10:28 AM  
H:ajs

2220rc.doc\*  
02/24/2015  
08:09 PM  
C: mu