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To: Representative Pete DeGraaf, Chairperson
House Financial Institutions Committee

From: Melissa Calderwood-Renick, Assistant Director for Research
Whitney Howard, Research Analyst

Re: Security Freeze for Minors

This memorandum provides comparative information on other states' consumer report security freeze laws similar to the provisions included in 2015 HB 2134. A security freeze is defined in Kansas law as "a notice placed on a consumer report, at the request of the consumer and subject to certain exceptions, that prohibits a consumer reporting agency from releasing the consumer's consumer report or credit score relating the the extension of credit" (KSA 2014 Supp. 50-702). The memorandum also references resource information made available by the Federal Trade Commission (FTC) on the topic of child identify theft.

States' Security Freeze Laws—Protections for Minors

According to the National Conference of State Legislatures (NCSL), all 50 states and the District of Columbia have enacted legislation allowing consumers to place security freezes on their credit reports. One of the more recent changes seen in these laws is a focus on "protected consumers." Kansas 2015 HB 2134 would define the term "protected consumer" to mean an individual who is under the age of 18 years at the time a request for the placement of a security freeze is made, or an individual for whom a guardian or conservator has been appointed.

KLRD staff conducted a review of 50-state surveys and information published about security freeze laws with "protected consumer" provisions. Following is a list of 16 states' security freeze laws specifically addressing minors and other protected consumers, as of September 2014:

State	Law	Who May Request a Freeze
Delaware	Del. Code. Ann. Tit. 6, §2201 <i>et seq.</i>	Any consumer, including a representative of a "protected consumer," an individual who is: a. Under the age of 16 years at the time a request for placement of a security freeze is made; or b. An incapacitated person or a protected person for whom a guardian or conservator has been appointed.
Florida	Fla. Stat. §501.005	Any consumer, including a representative of a "protected consumer," a person younger than 16 years of age at the time a security freeze request is made or a person represented by a guardian or other advocate pursuant to chapter 39, chapter 393, chapter 744, or chapter 914.

State	Law	Who May Request a Freeze
Georgia	Ga. Code §10-1-913 <i>et seq.</i>	Any consumer residing in the state, including a representative of a “protected consumer,” an individual who is (A) Under the age of 16 years at the time of the request for the placement of a security freeze is made under subsection (a) of Code §10-1-914.1; or (B) An individual for whom a guardian or conservator has been appointed.
Illinois	Ill. Rev. Stat. ch. 815, §505/2MM	Any consumer including a representative on behalf of a disabled person appointed under Article XIa of the Probate Act of 1975 and under a written durable power of attorney that complies with the Illinois Power of Attorney Act or on behalf of the minor. The representative of a minor may be (1) a guardian of the minor that is the subject of the request, appointed under Article XI of the Probate Act of 1975; (2) a parent of the minor that is the subject of the request; and (3) a guardian who is appointed under the Juvenile Court Act of 1987 for a minor under the age of 18 who is the subject of the request or, with a court order authorizing the guardian consent power, for a youth who is the subject of the request who has attained the age of 18, but who is under the age of 21.
Indiana	Ind. Code §24-5-24-1 <i>et seq.</i>	Any consumer, including a representative of a “protected consumer,” an individual who is: (1) less than 16 years of age, or (2) an incapacitated person (as defined in IC 29-3-1-7.5) for whom a court has appointed a guardian.
Iowa	Iowa Code §714G.1 <i>et seq.</i>	Any consumer who is a resident of the state, including a representative of a “protected consumer,” an individual who is either under 16 years of age at the time a request for a protected consumer security freeze is made for the individual or a protected person for whom a guardian or conservator has been appointed.
Louisiana	La. Rev. Stat. Ann. §9:3571.1	Any consumer, including a representative of a “protected consumer,” an individual who is either of the following: (a) Under the age of 16 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.
Maryland	Md. Commercial Code Ann. §1212.1 <i>et seq.</i>	Any consumer, including a representative of a “protected consumer,” an individual who is: (i) Under the age of 16 years at the time a request for placement is made or (ii) An incapacitated person or a protected person for whom a guardian or conservator has been appointed in accordance with Title 13 of the Estates and Trusts Article. A protected consumer includes an individual who: (i) Is in the custody of a local department; and (ii) Has been placed in a foster care setting.
Michigan	Mich. Comp. Laws §445.2511 <i>et seq.</i>	Any consumer, including a representative of a “protected consumer,” (i) An individual who is under 16 years of age at the time a request for the placement of a security freeze is made. (ii) An incapacitated person or a protected person for whom a guardian or conservator has been appointed under article V of the estates and protected individuals code, 1998 PA 386, MCL 700.5101 to 700.5520.
Montana	Mont. Code Ann. §30-14-1726 <i>et seq.</i>	Any consumer, including a parent or guardian in the case of a minor or of an incapacitated person, or a conservator in the case of a protected person.
Nebraska	Neb. Rev. Stat. §8-2601 <i>et seq.</i>	Any consumer, including a minor at the request of a parent or custodial parent or guardian if appointed.

State	Law	Who May Request a Freeze
Oregon	Or. Rev. Stat. §646A.600 <i>et seq.</i>	Any consumer, including a representative of a “protected consumer,” an individual who is (a) Not older than 16 years old at the time a representative requests a security freeze on the individual’s behalf; or (b) Incapacitated or for whom a court or other authority has appointed a guardian or conservator.
South Carolina	S.C. Code Ann. §37-20-110 <i>et seq.</i> 2014 Act 145	Any consumer, including a representative of a “protected consumer,” an individual who is (a) under the age of 16 years at the time a request for the placement of a security freeze is made; or (b) an incapacitated person or a protected person for whom a guardian or conservator has been appointed.
Texas	Tex. Business & Commerce Code Ann. §20.01 <i>et seq.</i>	Any consumer, including a representative of a “protected consumer,” an individual who resides in this state and is younger than 16 years of age at the time a request for the placement of a security freeze is made.
Virginia	Va. Code §59-1-444.1 <i>et seq.</i> 2014 Chapter 570	Any consumer who is a resident of the state, including a representative of a “protected consumer,” a consumer who is either: 1. Under the age of 16 years at the time a request for the placement of a security freeze is made; or 2. An incapacitated person for whom a guardian or conservator has been appointed in accordance with Chapter 20 (§64.2-2000 <i>et seq.</i>) of Title 64.2.
Wisconsin	Wis. Stat. §100.54 <i>et seq.</i>	A victim of identity theft or a consumer, including a representative of a “protected consumer,” an individual who is one of the following: 1. Under the age of 16 years at the time a request for the placement of a security freeze is made under sub. (3)(a). 2. An individual for whom a guardian or conservator has been appointed.

Source: Consumer Report Security Freeze State Laws, NCSL, accessed 02/2015

Additionally, we conducted a review using *StateNet* for introduction of similar legislation during states’ 2015 legislative sessions. In addition to Kansas’ HB 2134, four states (New York, Oklahoma, Tennessee, Utah) have introduced legislation and are considering security freeze provisions relating to “protected consumers.” The Utah legislation has been sent to the Governor for consideration.

Child Identity Theft —Resources

The FTC routinely publishes information on consumer protections relating to the use of credit and identity theft. An attached publication, “Safeguarding Your Child’s Future,” provides information about how to protect a child’s identify, how to check for a child’s credit report and, if a child’s identity has been stolen, how to respond and alert credit reporting companies. The article also can be accessed at <http://www.consumer.ftc.gov/articles/0040-child-identity-theft>.

Please let us know if you would like additional information regarding states’ consideration of security freeze provisions specific to minors and other protected consumers.

MCR/mkl