

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1308

Introduced by

Representatives Koppelman, Griffin, Schatz

Senators Andrist, Dever, Triplett

1 A BILL for an Act to amend and reenact subsection 2 of section 51-33-04 of the North Dakota
2 Century Code, relating to temporary lifting of a security freeze; to provide an effective date; and
3 to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 51-33-04 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 2. a. A consumer reporting agency that receives a request from a consumer to
8 temporarily lift a freeze on a consumer credit file under this section shall
9 comply with the request no later than ~~three business days~~ fifteen minutes
10 after receiving the request unless one of the following circumstances applies:
- 11 (1) The consumer fails to provide proper identification and the unique
12 personal identification number or password provided by the credit
13 reporting agency under section 51-33-03; or
- 14 (2) The consumer reporting agency's ability to remove the security freeze
15 within fifteen minutes is prevented by:
- 16 (a) A natural disaster or act of God, including fire, earthquake, or
17 hurricane;
- 18 (b) Unauthorized or illegal acts by a third party, including terrorism,
19 sabotage, riot, vandalism, or a labor strike or similar labor dispute
20 disrupting operations;
- 21 (c) Operational interruption, including electrical failure, unanticipated
22 delay in equipment or replacement part delivery, or computer
23 hardware or software failures inhibiting response time;

1 (d) Governmental action, including emergency orders or regulations
2 or judicial or law enforcement action;

3 (e) Receipt of a removal request outside of normal business hours;
4 or

5 (f) Maintenance of, updates to, or repair of the consumer reporting
6 agency's systems, whether regularly scheduled, unscheduled, or
7 unexpected.

8 b. For the purposes of this section, "normal business hours" means from six
9 a.m. to nine-thirty p.m., central standard time or central daylight time, seven
10 days a week, excluding holidays other than Sundays.

11 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective May 1, 2009.

12 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.