

**FIRST ENGROSSMENT
with Senate Amendments**

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 by mail from a
8 consumer to temporarily lift a freeze on a consumer credit file under this
9 section shall comply with the request no later than ~~three~~ two business days
10 after receiving the request unless the consumer fails to provide proper
11 identification and the unique personal identification number or password
12 provided by the credit reporting agency under section 51-33-03.
- 13 b. A consumer reporting agency that receives a request by telephone or through
14 a secure electronic connection from a consumer to temporarily lift a freeze on
15 a consumer credit file under this section shall comply with the request no later
16 than fifteen minutes after receiving the request unless the consumer fails to
17 provide proper identification and the unique personal identification number or
18 password provided by the credit reporting agency under section 51-33-03 or
19 the consumer reporting agency's ability to remove the security freeze within
20 fifteen minutes is prevented by:
- 21 (1) A natural disaster or act of God, including fire, earthquake, or
22 hurricane;

- 1 (2) Unauthorized or illegal acts by a third party, including terrorism,
2 sabotage, riot, vandalism, or a labor strike or similar labor dispute
3 disrupting operations;
- 4 (3) Operational interruption, including electrical failure, unanticipated delay
5 in equipment or replacement part delivery, or computer hardware or
6 software failures inhibiting response time;
- 7 (4) Governmental action, including emergency orders or regulations or
8 judicial or law enforcement action;
- 9 (5) Receipt of a removal request outside of normal business hours; or
- 10 (6) Maintenance of, updates to, or repair of the consumer reporting
11 agency's systems, whether regularly scheduled, unscheduled, or
12 unexpected.
- 13 c. For the purposes of this section, "normal business hours" means from
14 six a.m. to nine-thirty p.m., central standard time or central daylight time,
15 seven days a week, excluding holidays other than Sundays.

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

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