

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1668

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AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 24-5-24.7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 24.7. Use of Consumer's Social Security Number in Credit Files**

**Sec. 1. This chapter applies to a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis.**

**Sec. 2. (a) As used in this chapter, "consumer" means an individual whose principal residence is in Indiana.**

**(b) The term includes the following:**

**(1) A protected consumer.**

**(2) A representative acting on behalf of a protected consumer.**

**Sec. 3. As used in this chapter, "consumer report" means any written, oral, or other communication of any information that:**

**(1) is made by a consumer reporting agency;**

**(2) bears on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living; and**

**(3) is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a**

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consumer's eligibility for credit to be used primarily for personal, family, or household purposes.

**Sec. 4. (a)** As used in this chapter, "consumer reporting agency" means any person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating information concerning a consumer's credit or other information for the purpose of furnishing a consumer report to another person.

**(b)** The term does not include an entity designated as a commercially reasonable private consumer credit reporting entity under IC 24-4.5-7-404(5).

**Sec. 5.** As used in this chapter, "consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing to third parties, consumer reports bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

- (1)** Public record information.
- (2)** Credit account information from persons who furnish that information regularly and in the ordinary course of business.

**Sec. 6.** As used in this chapter, "file", when used in connection with information on a consumer, means all the information on that consumer that is recorded and retained by a consumer reporting agency, regardless of how the information is stored.

**Sec. 7.** A consumer reporting agency shall not use all or part of a Social Security number as the sole factor in determining whether a file matches the identity of an individual who is the subject of a credit inquiry from a consumer report user.

**Sec. 8.** If a consumer reporting agency uses all or part of a Social Security number as a factor in determining whether a file matches the identity of an individual who is the subject of a credit inquiry from a consumer report user, the consumer reporting agency shall ensure that:

- (1)** the individual's name matches the name in the file; and
- (2)** at least one (1) additional identifier, including the individual's:
  - (A)** current address;
  - (B)** previous address;
  - (C)** date of birth;
  - (D)** mother's maiden name;



**(E) current place of employment; or  
(F) previous place of employment;  
matches the same identifier in the file.**  
**SECTION 2. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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