

1 **Consumer Reporting Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Jordan D. Teuscher

3 **LONG TITLE**

4 **General Description:**

5 This bill establishes limitations on information that a consumer reporting agency may
6 provide.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ establishes prohibitions on what information an consumer reporting agency may provide;

10 ▶ provides exceptions to the prohibitions on what information an consumer reporting
11 agency may provide; and

12 ▶ makes technical changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **13-45-102**, as last amended by Laws of Utah 2015, Chapter 191

20 ENACTS:

21 **13-45-601**, Utah Code Annotated 1953

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **13-45-102** is amended to read:

25 **13-45-102 . Definitions.**

26 As used in this chapter:

27 (1) "Consumer" means an individual who is not a protected consumer.

28 (2) [~~"Consumer reporting agency" means a person who, for fees, dues, or on a cooperative~~
29 ~~basis, regularly engages in whole or in part in the practice of assembling or evaluating~~
30 ~~information concerning a consumer's credit or other information for the purpose of~~

- 31 ~~furnishing a credit report to another person.]~~ "Consumer reporting agency" means a
32 person who, for a monetary fee, dues, or on a cooperative nonprofit basis, regularly
33 engages in whole or in part in the practice of assembling or evaluating consumer credit
34 information or other information on consumers for the purpose of furnishing credit or
35 consumer report to third persons.
- 36 (3) "Consumer who is subject to a protected consumer security freeze" means an individual:
37 (a) for whom a credit reporting agency placed a security freeze under Section 13-45-503;
38 and
39 (b) who, on the day on which a request for the removal of the security freeze is
40 submitted under Section 13-45-504, is not a protected consumer.
- 41 (4) "Credit report" means a consumer report, as defined in the Fair Credit Reporting Act, 15
42 U.S.C. Sec. 1681a, that is used or collected in whole or part for the purpose of serving as
43 a factor in establishing a consumer's eligibility for credit for personal, family, or
44 household purposes.
- 45 (5) "File" means the same as that term is [as] defined in 15 U.S.C. Sec. 1681a.
- 46 (6) "Incapacitated person" means an individual who is incapacitated, as defined in Section
47 75-1-201.
- 48 (7) "Normal business hours" means Sunday through Saturday, between the hours of 6:00
49 a.m. and 9:30 p.m., Mountain Standard or Mountain Daylight Time.
- 50 (8)(a) "Personal information" means personally identifiable financial information:
51 (i) provided by a consumer to another person;
52 (ii) resulting from any transaction with the consumer or any service performed for the
53 consumer; or
54 (iii) otherwise obtained by another person.
- 55 (b) "Personal information" does not include:
56 (i) publicly available information, as that term is defined [~~by the regulations~~
57 ~~prescribed under 15 U.S.C. Sec. 6804]~~ in Section 13-61-101; or
58 (ii) any list, description, or other grouping of consumers, and publicly available
59 information [~~pertaining to the consumers]~~ relating to a consumer, that is derived
60 without using any nonpublic personal information.
- 61 (c) Notwithstanding Subsection (8)(b), "personal information" includes any list,
62 description, or other grouping of consumers, and publicly available information [
63 ~~pertaining to the consumers]~~ relating to a consumer, that is derived using any
64 nonpublic personal information other than publicly available information.

- 65 (9)(a) "Proper identification" ~~[has the same meaning as]~~ means the same as that term is
66 defined in 15 U.S.C. Sec. 1681h(a)(1)[;] ;
- 67 (b) ~~[and]~~ "Proper identification" includes:
- 68 ~~[(a)]~~ (i) the consumer's full name, including first, last, and middle names and any
69 suffix;
- 70 ~~[(b)]~~ (ii) any name the consumer previously used;
- 71 ~~[(c)]~~ (iii) the consumer's current and recent full addresses, including street address,
72 any apartment number, city, state, and ZIP code;
- 73 ~~[(d)]~~ (iv) the consumer's Social Security number; and
- 74 ~~[(e)]~~ (v) the consumer's date of birth.
- 75 (10) "Protected consumer" means an individual who, at the time a request for a security
76 freeze is made, is:
- 77 (a) ~~[less than]~~ under 16 years ~~[of age]~~ old;
- 78 (b) an incapacitated person; or
- 79 (c) a protected person.
- 80 (11) "Protected person" means the same as that term is defined in Section 75-5b-102.
- 81 (12) "Record" means a compilation of information that:
- 82 (a) identifies a protected consumer;
- 83 (b) is created by a consumer reporting agency solely for the purpose of complying with
84 this section; and
- 85 (c) may not be created or used to consider the protected consumer's credit worthiness,
86 credit standing, credit capacity, character, general reputation, personal characteristics,
87 or mode of living.
- 88 (13) "Representative" means a person ~~[who]~~ that provides to a consumer reporting agency
89 sufficient proof of authority to act on behalf of a protected consumer.
- 90 (14)(a) "Sufficient proof of authority" means documentation that shows that a person
91 has authority to act on behalf of a protected consumer.
- 92 (b) "Sufficient proof of authority" includes:
- 93 (i) a court order;
- 94 (ii) a lawfully executed power of attorney; or
- 95 (iii) a written, notarized statement signed by the person that expressly describes the
96 person's authority to act on behalf of the protected consumer.
- 97 (15)(a) "Sufficient proof of identification" means information or documentation that
98 identifies a protected consumer or a representative.

- 99 (b) "Sufficient proof of identification" includes:
- 100 (i) a Social Security number or a copy of a Social Security card issued by the United
- 101 States Social Security Administration;
- 102 (ii) a certified or official copy of a birth certificate; or
- 103 (iii) a copy of a government issued driver license or identification card.

104 Section 2. Section **13-45-601** is enacted to read:

105 **13-45-601 . Consumer reporting agency -- Prohibitions.**

106 (1) Except as provided in Subsection (2), a consumer reporting agency may not report

107 information relating to:

- 108 (a) an arrest not resulting in a conviction;
- 109 (b) a criminal charge not resulting in a conviction;
- 110 (c) an expunged conviction; or
- 111 (d) a pardoned conviction.

112 (2) A consumer reporting agency may report:

- 113 (a) a pending criminal charge; or
- 114 (b) an arrest that has not reached a final disposition.

115 Section 3. **Effective date.**

116 This bill takes effect on May 7, 2025.