

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1308
(Representatives Koppelman, Griffin, Schatz)
(Senators Andrist, Dever, Triplett)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

2.
 - a. A consumer reporting agency that receives a request by mail from a consumer to temporarily lift a freeze on a consumer credit file under this section shall comply with the request no later than ~~three~~ two business days after receiving the request unless the consumer fails to provide proper identification and the unique personal identification number or password provided by the credit reporting agency under section 51-33-03.
 - b. A consumer reporting agency that receives a request by telephone or through a secure electronic connection from a consumer to temporarily lift a freeze on a consumer credit file under this section shall comply with the request no later than fifteen minutes after receiving the request unless the consumer fails to provide proper identification and the unique personal identification number or password provided by the credit reporting agency under section 51-33-03 or the consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:
 - (1) A natural disaster or act of God, including fire, earthquake, or hurricane;
 - (2) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, or a labor strike or similar labor dispute disrupting operations;
 - (3) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, or computer hardware or software failures inhibiting response time;
 - (4) Governmental action, including emergency orders or regulations or judicial or law enforcement action;
 - (5) Receipt of a removal request outside of normal business hours; or
 - (6) Maintenance of, updates to, or repair of the consumer reporting agency's systems, whether regularly scheduled, unscheduled, or unexpected.
 - c. For the purposes of this section, "normal business hours" means from six a.m. to nine-thirty p.m., central standard time or central daylight time, seven days a week, excluding holidays other than Sundays.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1308 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 92 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 1 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State