

56:11-51 to 56:11-52

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 33

NJSA: 56:11-51 to 56:11-52 (Prohibits denial of credit on the basis that individual was a victim of identity theft)

BILL NO: S1643 (Substituted for A3668)

SPONSOR(S) Cardinale and Others

DATE INTRODUCED: March 13, 2006

COMMITTEE: **ASSEMBLY:** Consumer Affairs
 SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 14, 2006
 SENATE: June 26, 2006

DATE OF APPROVAL: January 29, 2007

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (First reprint enacted)

S1643

<u>SPONSOR'S STATEMENT</u>: (Begins on page 2 of original bill)	<u>Yes</u>
COMMITTEE STATEMENT:	
<u>ASSEMBLY:</u>	<u>Yes</u>
<u>SENATE:</u>	<u>Yes</u>
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL NOTE:	No

A3668

<u>SPONSOR'S STATEMENT</u>: (Begins on page 2 of original bill)	<u>Yes</u>
COMMITTEE STATEMENT:	
<u>ASSEMBLY:</u>	<u>Yes</u>
<u>SENATE:</u>	No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	No

FOLLOWING WERE PRINTED:

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Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Corzine signs legislation shielding ID-theft victims," The Record, January 30, 2007, p. B03

"Theft victims get protection," Courier News, January 30, 2007, p.A3

"Law protects identity theft victims from credit limits," The Trentonian, January 30, 2007, p. 11.

RWH 4/9/08

P.L. 2007, CHAPTER 33, *approved January 29, 2007*
Senate, No. 1643 (*First Reprint*)

1 AN ACT ¹[concerning the denial of credit to certain individuals]
2 prohibiting identity theft discrimination¹ by creditors ¹, and
3 supplementing Title 17 of the Revised Statutes¹.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. ¹[No] a. A¹ creditor shall ¹not¹ deny credit ¹to¹, or reduce
9 the credit limit ¹[,]¹ of ¹,¹ an individual solely because that
10 individual was a victim of identity theft pursuant to N.J.S.2C:21-1,
11 section 1 of P.L.1983, c.565 (C.2C:21-2.1) or N.J.S.2C:21-17. ¹For
12 purposes of this section, “victim of identity theft” means any
13 individual who, prior to or at the time of applying for credit, or for
14 increasing the individual’s credit limit, presents to a creditor:

15 (1) a copy of a police report filed pursuant to section 3 of
16 P.L.2005, c.226 (C.2C:21-17.6); or

17 (2) either:

18 (a) a properly completed copy of a standardized affidavit of
19 identity theft, as established by the Federal Trade Commission
20 pursuant to section 609 of the federal “Fair Credit Reporting Act,”
21 Pub.L.91-508 (15 U.S.C. s.1681g); or

22 (b) a similar, duly executed affidavit concerning the victim’s
23 identity theft.

24 b. The provisions of subsection a. of this section shall not
25 abrogate the right of a creditor to deny credit to, or reduce the credit
26 limit of, a victim of identity theft for any other reason authorized by
27 law.¹
28

29 2. Any creditor who violates any provision of this act shall be
30 liable for a penalty of not more than \$5,000 for each violation, to be
31 collected by and in the name of the Commissioner of Banking and
32 Insurance in a summary proceeding pursuant to the "Penalty
33 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
34

35 3. This act shall take effect on the 90th day following
36 enactment.
37

38
39
40 Prohibits denial of credit on the basis that individual was a
41 victim of identity theft.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted May 15, 2006.

SENATE, No. 1643

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 13, 2006

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senators Scutari and Singer

SYNOPSIS

Prohibits denial of credit on the basis that individual was a victim of identity theft.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the denial of credit to certain individuals by
2 creditors.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. No creditor shall deny credit, or reduce the credit limit, of an
8 individual solely because that individual was a victim of identity
9 theft pursuant to N.J.S.2C:21-1, section 1 of P.L.1983, c.565
10 (C.2C:21-2.1) or N.J.S.2C:21-17.

11

12 2. Any creditor who violates any provision of this act shall be
13 liable for a penalty of not more than \$5,000 for each violation, to be
14 collected by and in the name of the Commissioner of Banking and
15 Insurance in a summary proceeding pursuant to the "Penalty
16 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

17

18 3. This act shall take effect on the 90th day following
19 enactment.

20

21

22 STATEMENT

23

24 This bill prohibits a creditor from denying or reducing the credit
25 limit of a person solely because that person was a victim of identity
26 theft. Any creditor who violates the provisions of the bill would be
27 subject to a penalty of up to \$5,000 per violation to be collected by
28 the Commissioner of Banking and Insurance.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1643

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 2006

The Assembly Consumer Affairs Committee reports favorably Senate Bill No. 1643 [1R].

Senate Bill No. 1643 [1R] prohibits a creditor from denying credit to, or reducing the credit limit of, a person solely because that person was a victim of identity theft.

For purposes of the bill, “victim of identity theft” is defined as any individual who, prior to or at the time of applying for credit, or for an increase in a credit limit, presents to a creditor:

- a copy of a police report filed pursuant to section 3 of P.L.2005, c.226 (C.2C:21-17.6);
- a properly completed copy of a standardized affidavit of identity theft, as established by the Federal Trade Commission; or
- a similar, duly executed affidavit concerning the victim’s identity theft.

The bill sets the penalty for violations at not more than \$5,000 per violation, to be collected by the Commissioner of Banking and Insurance in a summary proceeding pursuant to the “Penalty Enforcement Law of 1999.”

As reported by the committee, this bill is identical to Assembly Bill No. 3668, also reported by the committee on this same date.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1643

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2006

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1643.

This bill, as amended, prohibits a creditor from denying credit to, or reducing the credit limit of, a person solely because that person was a victim of identity theft. For purposes of the bill, "victim of identity theft" means any individual who, prior to or at the time of applying for credit, or for an increase in a credit limit, presents to a creditor: (1) a copy of a police report filed pursuant to section 3 of P.L.2005, c.226 (C.2C:21-17.6); or (2) either a properly completed copy of a standardized affidavit of identity theft, as established by the Federal Trade Commission pursuant to section 609 of the federal "Fair Credit Reporting Act," Pub.L.91-508 (15 U.S.C. s.1681g), or a similar, duly executed affidavit concerning the victim's identity theft.

Any creditor who violates the provisions of the bill would be subject to a penalty of not more than \$5,000 per violation, to be collected by the Commissioner of Banking and Insurance in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

The committee amendments to the bill:

- clarify that a victim of identity theft must be capable of presenting appropriate proof to a creditor, in the form of a copy of a police report or affidavit concerning the victim's identity theft, prior to or at the time the victim applies for credit, or for an increase in a credit limit, in order to put the creditor on notice for purposes of establishing any subsequent violation of the bill's provisions by the creditor.

ASSEMBLY, No. 3668

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 9, 2006

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Assemblyman JON M. BRAMNICK

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

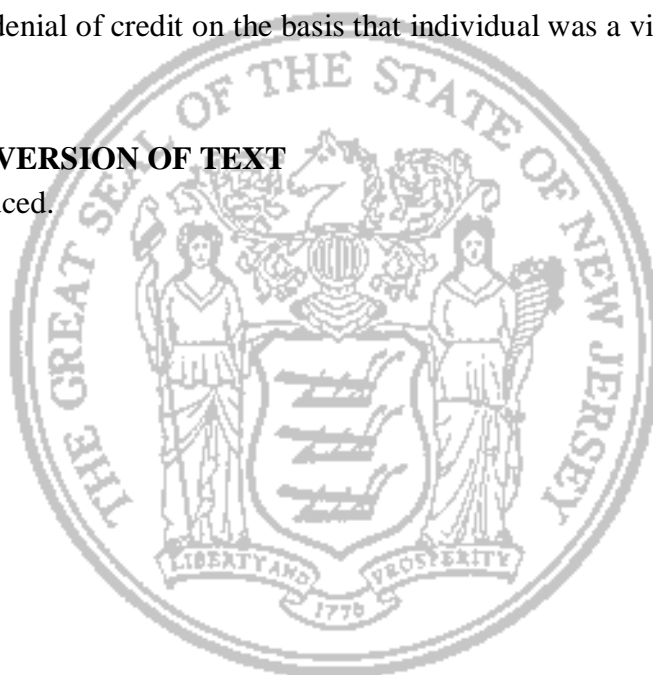
Assemblymen Fisher and Diegnan

SYNOPSIS

Prohibits denial of credit on the basis that individual was a victim of identity theft.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2006)

1 AN ACT prohibiting identity theft discrimination by creditors, and
2 supplementing Title 17 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A creditor shall not deny credit to, or reduce the credit
8 limit of, an individual solely because that individual was a victim of
9 identity theft pursuant to N.J.S.2C:21-1, section 1 of P.L.1983,
10 c.565 (C.2C:21-2.1) or N.J.S.2C:21-17. For purposes of this
11 section, "victim of identity theft" means any individual who, prior
12 to or at the time of applying for credit, or for increasing the
13 individual's credit limit, presents to a creditor:

14 (1) a copy of a police report filed pursuant to section 3 of
15 P.L.2005, c.226 (C.2C:21-17.6); or

16 (2) either:

17 (a) a properly completed copy of a standardized affidavit of
18 identity theft, as established by the Federal Trade Commission
19 pursuant to section 609 of the federal "Fair Credit Reporting Act,"
20 Pub.L.91-508 (15 U.S.C. s.1681g); or

21 (b) a similar, duly executed affidavit concerning the victim's
22 identity theft.

23 b. The provisions of subsection a. of this section shall not
24 abrogate the right of a creditor to deny credit to, or reduce the credit
25 limit of, a victim of identity theft for any other reason authorized by
26 law.

27

28 2. Any creditor who violates any provision of this act shall be
29 liable for a penalty of not more than \$5,000 for each violation, to be
30 collected by and in the name of the Commissioner of Banking and
31 Insurance in a summary proceeding pursuant to the "Penalty
32 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

33

34 3. This act shall take effect on the 90th day following
35 enactment.

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37

38

STATEMENT

39

40 This bill prohibits a creditor from denying credit to, or reducing
41 the credit limit of, a person solely because that person was a victim
42 of identity theft. For purposes of the bill, "victim of identity theft"
43 means any individual who, prior to or at the time of applying for
44 credit, or for an increase in a credit limit, presents to a creditor: (1)
45 a copy of a police report filed pursuant to section 3 of P.L.2005,
46 c.226 (C.2C:21-17.6); or (2) either a properly completed copy of a
47 standardized affidavit of identity theft, as established by the Federal
48 Trade Commission pursuant to section 609 of the federal "Fair

1 Credit Reporting Act," Pub.L.91-508 (15 U.S.C. s.1681g), or a
2 similar, duly executed affidavit concerning the victim's identity
3 theft.

4 Any creditor who violates the provisions of the bill would be
5 subject to a penalty of not more than \$5,000 per violation, to be
6 collected by the Commissioner of Banking and Insurance in a
7 summary proceeding pursuant to the "Penalty Enforcement Law of
8 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3668

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 2006

The Assembly Consumer Affairs Committee reports favorably Assembly Bill No. 3668.

Assembly Bill No. 3668 prohibits a creditor from denying credit to, or reducing the credit limit of, a person solely because that person was a victim of identity theft.

For purposes of the bill, “victim of identity theft” is defined as any individual who, prior to or at the time of applying for credit, or for an increase in a credit limit, presents to a creditor:

- a copy of a police report filed pursuant to section 3 of P.L.2005, c.226 (C.2C:21-17.6);
- a properly completed copy of a standardized affidavit of identity theft, as established by the Federal Trade Commission;
- or
- a similar, duly executed affidavit concerning the victim’s identity theft.

The bill sets the penalty for violations at not more than \$5,000 per violation, to be collected by the Commissioner of Banking and Insurance in a summary proceeding pursuant to the “Penalty Enforcement Law of 1999.”

As reported by the committee, this bill is identical to Senate Bill No. 1643 [1R], also reported by the committee on this same date.