

Helping the Identity Theft Victim(s)

Problem	Assistance
Credit report reflects false information despite efforts to clean it up.	<p>-Amend 33-18-605 "Use of credit information" to more specifically allow exception to those with ID theft passports. Clarify language about "repeated events" to indicate that a stolen identity is one event, regardless of the number of times the credit report is impacted. Current statute reads, in part:</p> <p>(2) (a) An insurer shall, on written request from an applicant or an insured, provide reasonable underwriting or rating exceptions for a consumer whose credit report has been directly affected by an extraordinary event.</p> <p>(b) An insurer may require reasonable written and independently verifiable documentation of the event and the effect of the event on the consumer's credit before granting an exception. An insurer is not required to consider repeated extraordinary events or extraordinary events the insurer reconsidered previously.</p> <p>... (e) As used in this subsection (2), "extraordinary event" means:</p> <ul style="list-style-type: none"> (i) expenses related to a catastrophic injury or illness; (ii) temporary loss of employment; (iii) death of an immediate family member; or (iv) theft of identity pursuant to 45-6-332.
Restitution often difficult and often demanded by several parties	<p>Washington State HB 2840 proposes that following a determination of liability, a court order may include payment of actual damages in ID theft cases, expenses of prosecution (already in MT law) and forfeiture first as restitution to a person damaged by ID theft. Forfeiture also could be sought for general fund or fund of county in which prosecution occurred "to the extent not already ordered paid" under the section. Civil proceedings for ID theft to begin within 3 years after final disposition of criminal charges and variations.</p>
Jurisdiction difficult where ID theft involves multiple jurisdictions	<p>Being able to file one police report and having that information shared and accepted by other jurisdictions is being discussed and worked on by various states. Ohio and Utah have ID theft "passport" types of programs that are verified and on-line, meaning that law enforcement can access broadly. Montana's program not there yet.</p>
Police reports may not always be accessible to ID theft victims	<p>WA - new law SB3959 allows victim to receive copy of the police report. The language reads: (4) In order to facilitate the exercise of a consumer's right to block information in his or her consumer report, all police and sheriff's departments in Washington state shall provide to the consumer, at the consumer's request, a copy of any police report, filed by the consumer, evidencing the consumer's claim to be a victim of a violation of RCW 9.35.020. Nothing in this section shall be construed to require a law enforcement agency to investigate reports claiming identity theft. RCW 19.182.160</p>

<p>Obtaining emergency ID may be difficult, particularly if a driver's license has been confiscated because of outstanding warrants of a person who falsely claims the ID.</p>	<p>Pennsylvania's SB 714 proposes ID theft provisions for substitute or duplicate driver's licenses/learner's permits. ID theft victim would be able to request a new driver's license number with reasonable documentation indicating the person is or may be a victim of ID theft, including a police report, a notice letting the person know that personal information was involved in a computer breach, documentation of a misused driver's license number or license, similar reporting methods.</p> <p>Montana allows emergency driver's licenses and gives a range of secondary proofs of identity that an ID theft victim probably could access without too much difficulty if primary IDs are unavailable. DOJ feels no change needed to help victim.</p>
<p>Difficulty in tracking down origin of false information</p>	<p>CA civil code requires consumer reporting agencies to note the source when information is obtained from a public record. 1785.18</p>
<p>Contacts by debt collectors may be unnecessary burden for ID theft victims</p>	<p>CA civil code prohibits creditors from selling consumer debt to a debt collector if the consumer is a victim of identity theft and if, with respect to the debt, the creditor has received notice that the person is a victim of ID theft and the goods/services were not obtained by the victim. 1785.16.2 with reference to 1785.16(k).</p>

(Prepared by -- Pat Murdo, Legislative Services, 5/12/06)