



# Key New York State Laws Relating To Identity Theft

- Identity Theft is a crime. Any individual who commits identity theft could be sentenced to seven years in prison. The court may require a person to pay restitution to the victim for their costs and losses (Penal Law § 60.27). (Penal Law §190.77 et seq.)
- Police departments are required to take a report from, and give a free copy of such report to, a suspected victim of identity theft. (Executive Law § 646 and Criminal Procedure Law § 20.40)
- Elderly and disabled victims of identity theft may be eligible for compensation from the New York State Crime Victims Board for out-of-pocket expenses incurred from consulting with a financial advisor. Reimbursement of those costs can be sought if services commenced within one year from the date of the incident. (Executive Law § 631)
- The Department of Motor Vehicles may waive the payment of fees if the applicant is a victim of a crime and is applying for a replacement of a driver's license, permit, registration or plates lost or destroyed as a result of the crime. (Vehicle and Traffic Law §§ 401 (3) (c) and 503 (3) (ii))
- Consumers, upon written notice accompanied by proper identification, can place a freeze on their credit report to restrict third party access. The credit reporting companies are required to place the freeze on the report within three business days of receiving the request. Placing a freeze is free for identity theft victims. (General Business Law § 380-t)
- Consumers who are contacted by principal creditors (including debt collectors) in relation to a debt arising out of identity theft can cease collection activity by presenting to the principal creditor a copy of a valid police report and a written statement certifying that the debtor is the victim of identity theft. A principal creditor must conduct a good faith review of the information and notify the alleged debtor of its determination before proceeding with collection activities. (General Business Law § 604 *et seq.*)
- Businesses and governmental agencies must notify you by letter, e-mail or phone when your personal information has been compromised. If the breach involves more than 5,000 individuals, the entity must also notify the credit reporting agencies. (General Business Law § 899-aa and State Technology Law § 208)
- New York State law prohibits sellers from requiring consumers to provide Social Security numbers in connection with checks or similar means of payment. (General Business Law § 518-a)
- New York State law prohibits businesses from internally communicating or making available to the general public an individual's Social Security number. (General Business Law § 399-dd)

**A Product of the NYS Consumer Protection Board's Identity Theft Prevention and Mitigation Program**