

1 State of Arkansas *As Engrossed: H2/4/25 H2/11/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

HOUSE BILL 1184

4

5 By: Representative L. Johnson

6 By: Senator Hill

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For An Act To Be Entitled

9 *AN ACT TO AMEND THE FAIR MORTGAGE LENDING ACT; TO*
10 *PROTECT A CONSUMER'S PRIVACY IN CERTAIN MORTGAGE*
11 *APPLICATIONS; AND FOR OTHER PURPOSES.*

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13

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Subtitle

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TO AMEND THE FAIR MORTGAGE LENDING ACT;
16 *AND TO PROTECT A CONSUMER'S PRIVACY IN*
17 *CERTAIN MORTGAGE APPLICATIONS.*

18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. Arkansas Code § 23-39-502, concerning the definitions used*
22 *under the Fair Mortgage Lending Act, is amended to add additional*
23 *subdivisions to read as follows:*

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25 *(26) "Consumer report" means the same as defined in the Fair*
26 *Mortgage Lending Act, 15 U.S.C. § 1681 et seq., as it existed on January 1,*
27 *2025; and*

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29 *(27)(A) "Mortgage trigger lead" means a lead resulting from a*
30 *consumer report obtained under 15 U.S.C. § 1681b, as it existed on January 1,*
31 *2025, if the issuance of the consumer report is triggered by an inquiry made*
32 *with a consumer reporting agency in response to an application for credit.*

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34 *(B) "Mortgage trigger lead" does not include a consumer*
35 *report obtained by a lender that holds or services existing indebtedness of*
36 *the applicant who is the subject of the consumer report.*

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38 *SECTION 2. Arkansas Code § 23-39-513, concerning prohibited practices*
39 *under the Fair Mortgage Lending Act, is amended to add an additional*



1 subdivision to read as follows:

2 (18) To use a mortgage trigger lead in a misleading or deceptive
3 manner by, including without limitation:

4 (A) Failing to state in the initial communication with a
5 consumer:

6 (i) The loan officer's name and the mortgage broker
7 or mortgage banker on behalf of whom the loan officer is acting;

8 (ii) A brief explanation of how the loan officer or
9 his or her sponsor obtained the consumer's contact information to make the
10 communication, or an explanation of a mortgage trigger lead;

11 (iii) That the solicitation is based on personal
12 information about the consumer that was purchased, directly or indirectly,
13 from a consumer reporting agency without the knowledge or permission of the
14 lender, mortgage broker, or mortgage banker with whom the consumer initially
15 applied;

16 (iv) That the loan officer and his or her sponsor is
17 not affiliated with the creditor to which the consumer made the credit
18 application that resulted in the mortgage trigger lead;

19 (v) That the purpose of the communication is to
20 solicit new business for the sponsor; and

21 (vi) To make a firm offer of credit as provided by
22 the Fair Credit Reporting Act, 15 U.S.C. § 1681b(e), as it existed on January
23 1, 2025;

24 (B) Soliciting or contacting a consumer who has opted out
25 of prescreened offers of credit under the Fair Credit Reporting Act, 15
26 U.S.C. § 1681 et seq., as it existed on January 1, 2025;

27 (C) Placing a telephone call to a consumer who has placed
28 his or her contact information on a national "Do-Not-Call" registry
29 established and maintained by the Federal Trade Commission under 16 C.F.R. §
30 310.4, as it existed on January 1, 2025; or

31 (D) Knowingly using information from a mortgage trigger
32 lead in violation of this subdivision (18) or the Fair Credit Reporting Act,
33 15 U.S.C. § 1681 et seq., as it existed on January 1, 2025.

34 /s/L. Johnson

35 **APPROVED: 3/12/25**

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