

Hall of the House of Representatives
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of House Bill 1184

TO PROTECT A CONSUMER'S PRIVACY IN CERTAIN MORTGAGE APPLICATIONS; AND
TO ESTABLISH THE CONSUMER PRIVACY IN MORTGAGE APPLICATIONS ACT.

Amendment No. 1 to House Bill 1184

Amend House Bill 1184 as originally introduced:

Page 1, delete lines 9 through 12, and substitute the following:

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

Delete the subtitle in its entirety and substitute the following:

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

AND

Delete everything after the enacting clause and substitute the following:

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

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



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

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

SECTION 2. Arkansas Code § 23-39-513, concerning prohibited practices under the Fair Mortgage Lending Act, is amended to add an additional subdivision to read as follows:

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

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

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

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

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

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

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

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

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

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

(D) Knowingly or negligently using information from a mortgage trigger lead."

The Amendment was read _____
By: Representative L. Johnson
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Chief Clerk