

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1184

5 By: Representative L. Johnson  
6 By: Senator Hill  
7

## For An Act To Be Entitled

8 AN ACT TO PROTECT A CONSUMER'S PRIVACY IN CERTAIN  
9 MORTGAGE APPLICATIONS; TO ESTABLISH THE CONSUMER  
10 PRIVACY IN MORTGAGE APPLICATIONS ACT; AND FOR OTHER  
11 PURPOSES.  
12  
13  
14

## Subtitle

15 TO PROTECT A CONSUMER'S PRIVACY IN  
16 CERTAIN MORTGAGE APPLICATIONS; AND TO  
17 ESTABLISH THE CONSUMER PRIVACY IN  
18 MORTGAGE APPLICATIONS ACT.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. DO NOT CODIFY. Title. This act shall be known and may be  
24 cited as the "Consumer Privacy in Mortgage Applications Act".  
25

26 SECTION 2. Arkansas Code Title 4, Chapter 86, Subchapter 1, is amended  
27 to add an additional section to read as follows:

28 4-86-112. Consumer privacy in mortgage applications – Definitions.

29 (a) As used in this section:

30 (1) "Consumer report" means the same as defined in the Fair  
31 Credit Reporting Act, 15 U.S.C. § 1681 et seq., as it existed on January 1,  
32 2025; and

33 (2)(A) "Mortgage trigger lead" means a lead resulting from a  
34 consumer report obtained under 15 U.S.C. § 1681b, as it existed on January 1,  
35 2025, if the issuance of the consumer report is triggered by an inquiry made  
36 with a consumer reporting agency in response to an application for credit.



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

4           (b) If a solicitor bases a solicitation of a consumer for a mortgage  
5 loan on residential property on information contained in a mortgage trigger  
6 lead, it is an unfair or deceptive act or practice for a solicitor to:

7                   (1) Fail to clearly and conspicuously state in the initial phase  
8 of the solicitation that:

9                           (A) The solicitor is not affiliated with the lender or  
10 broker with whom the consumer initially applied; and

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

15                   (2) Fail to comply with the Fair Credit Reporting Act, 15 U.S.C.  
16 § 1681 et seq., as it existed on January 1, 2025, relating to prescreening  
17 solicitations that use consumer reports, including without limitation the  
18 requirement to make a firm offer of credit to a consumer;

19                   (3) Knowingly or negligently use information from a mortgage  
20 trigger lead to:

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

24                           (B) Place a telephone call to a consumer who has placed  
25 his or her contact information on a national "Do-Not-Call" registry  
26 established and maintained by the Federal Trade Commission under 16 C.F.R. §  
27 310.4, as it existed on January 1, 2025, or a statewide database under § 4-  
28 99-404; or

29                   (4) Solicit a consumer with an offer of certain rates, terms,  
30 and costs with the knowledge that the rates, terms, or costs will be  
31 subsequently changed to the detriment of the consumer.

32           (c) The Attorney General shall promulgate rules to implement this  
33 section.

34  
35  
36