

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H2/4/25 H2/11/25

A Bill

HOUSE BILL 1184

By: Representative L. Johnson

By: Senator Hill

For An Act To Be Entitled

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

Subtitle

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

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

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

/s/L. Johnson