

110TH CONGRESS
2D SESSION

H. R. 6062

To amend the Fair Credit Reporting Act to prohibit the use of consumer reports and consumer information in making any determination involving personal lines of insurance with respect to a consumer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2008

Ms. WATERS (for herself, Mr. GUTIERREZ, Mr. WATT, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to prohibit the use of consumer reports and consumer information in making any determination involving personal lines of insurance with respect to a consumer, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Personal Lines of In-
5 surance Fairness Act of 2008”.

1 **SEC. 2. USE OF CONSUMER REPORTS AND CONSUMER IN-**
2 **FORMATION FOR CERTAIN INSURANCE PUR-**
3 **POSES PROHIBITED.**

4 (a) IN GENERAL.—Section 604(a)(3)(C) of the Fair
5 Credit Reporting Act (15 U.S.C. 1681b(a)(3)(C)) is
6 amended by inserting “, except personal lines of insur-
7 ance” before the semicolon.

8 (b) RULE OF CONSTRUCTION.—Section 604 of the
9 Fair Credit Reporting Act (15 U.S.C. 1681(b)) is amend-
10 ed by adding at the end the following new subsection:

11 “(h) CERTAIN LINES OF INSURANCE NOT AN AU-
12 THORIZED BUSINESS PURPOSE.—

13 “(1) IN GENERAL.—No consumer reporting
14 agency may furnish a consumer report or consumer
15 information with respect to any consumer to any
16 person for use in making any decision to underwrite
17 or rate any personal lines of insurance, and no per-
18 son shall use or obtain a consumer report or con-
19 sumer information with respect to any consumer in
20 connection with the underwriting or rating of any
21 consumer in connection with a transaction involving
22 personal lines of insurance.

23 “(2) INSURANCE INFORMATION NOT IN-
24 CLUDED.—Information derived from the following
25 databases shall not be treated as a consumer report

1 or consumer information for purposes of paragraph
2 (1):

3 “(A) Databases that contain information
4 on property loss data regarding personal lines
5 of insurance, such as the Comprehensive Loss
6 Underwriting Exchange (CLUE) and Auto-
7 mobile Property Loss Underwriting System (A-
8 PLUS).

9 “(B) Databases that contain information
10 on driver history, such as accidents or moving
11 violations, typically maintained at State depart-
12 ments of motor vehicles.

13 “(C) Databases that contain information
14 on a consumer’s medical history, to the extent
15 such access and use for purposes described in
16 paragraph (1) is consistent with the require-
17 ments of section 604(g).

18 “(3) DEFINITIONS.—For purposes of this sub-
19 section, the following definitions shall apply:

20 “(A) CONSUMER INFORMATION.—The
21 term ‘consumer information’ means any infor-
22 mation from the file of any consumer at a con-
23 sumer reporting agency, or any product derived
24 from any such information such as consumer

1 credit reports or credit scores or other risk
2 score or predictor on any consumer.

3 “(B) PERSONAL LINE OF INSURANCE.—
4 The term ‘personal line of insurance’ means
5 any personal automobile or homeowners line of
6 insurance, as defined in the Uniform Property
7 and Casualty Product Coding Matrix estab-
8 lished and maintained by the National Associa-
9 tion of Insurance Commissioners or any suc-
10 cessor document.”.

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