

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 149

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-31-211A, IDAHO CODE, TO PROVIDE FOR CONSUMER PRIVACY IN MORTGAGE APPLICATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 31, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-31-211A, Idaho Code, and to read as follows:

26-31-211A. CONSUMER PRIVACY IN MORTGAGE APPLICATIONS. (1) For purposes of this section, "mortgage trigger lead" means a consumer report obtained pursuant to section 604(c) (1) (B) of the fair credit reporting act, 15 U.S.C. 1681b, where the issuance of the report is triggered by an inquiry made with a consumer reporting agency in response to an application for credit. "Mortgage trigger lead" does not include a consumer report obtained by a lender or servicer that holds or services existing indebtedness of the applicant who is the subject of the report.

(2) With regard to a solicitation of a consumer for a residential mortgage loan, as defined in section 26-31-102, Idaho Code, that is based, in whole or in part, on information contained in a mortgage trigger lead, the following shall be deemed to be a prohibited act or practice:

(a) The failure to clearly and conspicuously state in the initial phase of the solicitation that the solicitor is not affiliated with the lender or broker with which the consumer initially applied;

(b) The failure to clearly and conspicuously state in the initial phase of the solicitation 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 or broker with which the consumer initially applied;

(c) The failure, in the initial solicitation, to comply with the provisions of the federal fair credit reporting act relating to prescreening solicitations that use consumer reports, including the requirement to make a firm offer of credit to the consumer; or

(d) Knowingly or negligently using information from a mortgage trigger lead:

(i) To solicit consumers who have opted out of prescreened offers of credit under the federal fair credit reporting act; or

(ii) To place telephone calls to consumers who have placed their contact information on a federal or state "do-not-call" list.

(3) A violation of this section shall constitute a violation of the Idaho consumer protection act.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.