

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6129

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2012

Mr. CLARKE of Michigan (for himself, Mr. CONYERS, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the Fair Credit Reporting Act to prohibit the use of consumer reports and consumer information in making any determination involving auto 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 “Ban the Use of Credit  
5 Scores in Auto Insurance Act”.

1 **SEC. 2. USE OF CONSUMER REPORTS AND CONSUMER IN-**  
2 **FORMATION FOR AUTO 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 auto insurance (as defined  
7 under subsection (h)(3))” before the semicolon.

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

11 “(h) **AUTO INSURANCE NOT AN AUTHORIZED BUSI-**  
12 **NESS 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 auto insurance, and no person shall use or  
18 obtain a consumer report or consumer information  
19 with respect to any consumer in connection with the  
20 underwriting or rating of any consumer in connec-  
21 tion with a transaction involving auto insurance.

22 “(2) **INSURANCE INFORMATION NOT IN-**  
23 **CLUDED.**—Information derived from the following  
24 databases shall not be treated as a consumer report  
25 or consumer information for purposes of paragraph  
26 (1):

1           “(A) Databases that contain information  
2           on property loss data regarding auto insurance,  
3           such as the Comprehensive Loss Underwriting  
4           Exchange (CLUE) and Automobile Property  
5           Loss Underwriting System (A-PLUS).

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

10          “(3) DEFINITIONS.—For purposes of this sub-  
11          section:

12                 “(A) CONSUMER INFORMATION.—The  
13                 term ‘consumer information’ means any infor-  
14                 mation from the file of any consumer at a con-  
15                 sumer reporting agency, or any product derived  
16                 from any such information such as consumer  
17                 credit reports or credit scores or any other risk  
18                 score or predictor on any consumer.

19                 “(B) AUTO INSURANCE.—The term ‘per-  
20                 sonal line of insurance’ means any personal  
21                 automobile line of insurance, as defined in the  
22                 Uniform Property and Casualty Product Coding  
23                 Matrix established and maintained by the Na-

1 tional Association of Insurance Commissioners  
2 or any successor document.”.

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