

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to this section were contained in section 6763 of this title, prior to the general amendment of this subchapter by Pub. L. 114-1.

A prior section 6760, Pub. L. 106-102, title III, §330, Nov. 12, 1999, 113 Stat. 1430, related to functions of the NAIC, prior to the general amendment of this subchapter by Pub. L. 114-1.

**§ 6761. Coordination with Financial Industry Regulatory Authority**

The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on members of the Association that are subject to regulation by the Financial Industry Regulatory Authority, consistent with the requirements of this subchapter and the Federal securities laws.

(Pub. L. 106-102, title III, §331, as added Pub. L. 114-1, title II, §202(a), Jan. 12, 2015, 129 Stat. 26.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to this section were contained in section 6764(b) of this title, prior to the general amendment of this subchapter by Pub. L. 114-1.

A prior section 6761, Pub. L. 106-102, title III, §331, Nov. 12, 1999, 113 Stat. 1430, related to liability of the Association and the directors, officers, and employees of the Association, prior to the general amendment of this subchapter by Pub. L. 114-1. See section 6758 of this title.

**§ 6762. Right of action****(a) Right of action**

Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

**(b) Association interpretations**

In any action under subsection (a), the court shall give appropriate weight to the interpretation of the Association of its bylaws and standards and this subchapter.

(Pub. L. 106-102, title III, §332, as added Pub. L. 114-1, title II, §202(a), Jan. 12, 2015, 129 Stat. 26.)

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Provisions similar to this section were contained in section 6765 of this title, prior to the general amendment of this subchapter by Pub. L. 114-1.

A prior section 6762, Pub. L. 106-102, title III, §332, Nov. 12, 1999, 113 Stat. 1431, related to elimination of NAIC oversight, prior to the general amendment of this subchapter by Pub. L. 114-1. See sections 6757 and 6759 of this title.

**§ 6763. Federal funding prohibited**

The Association may not receive, accept, or borrow any amounts from the Federal Government to pay for, or reimburse,<sup>1</sup> the Association

<sup>1</sup> So in original. The comma probably should not appear.

for, the costs of establishing or operating the Association.

(Pub. L. 106-102, title III, §333, as added Pub. L. 114-1, title II, §202(a), Jan. 12, 2015, 129 Stat. 27.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 6763, Pub. L. 106-102, title III, §333, Nov. 12, 1999, 113 Stat. 1432, related to relationship to State law, prior to the general amendment of this subchapter by Pub. L. 114-1. See section 6760 of this title.

**§ 6764. Definitions**

For purposes of this subchapter, the following definitions shall apply:

**(1) Business entity**

The term “business entity” means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

**(2) Depository institution**

The term “depository institution” has the meaning as in section 1813 of title 12.

**(3) Home State**

The term “home State” means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

**(4) Insurance**

The term “insurance” means any product, other than title insurance or bail bonds, defined or regulated as insurance by the appropriate State insurance regulatory authority.

**(5) Insurance producer**

The term “insurance producer” means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that sells, solicits, or negotiates policies of insurance or offers advice, counsel, opinions or services related to insurance.

**(6) Insurer**

The term “insurer” has the meaning as in section 313(e)(2)(B) of title 31.

**(7) Principal place of business**

The term “principal place of business” means the State in which an insurance producer maintains the headquarters of the insurance producer and, in the case of a business entity, where high-level officers of the entity direct, control, and coordinate the business activities of the business entity.

**(8) Principal place of residence**

The term “principal place of residence” means the State in which an insurance producer resides for the greatest number of days during a calendar year.

**(9) State**

The term “State” includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

**(10) State law****(A) In general**

The term “State law” includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

**(B) Laws applicable in the District of Columbia**

A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.

(Pub. L. 106-102, title III, §334, as added Pub. L. 114-1, title II, §202(a), Jan. 12, 2015, 129 Stat. 27.)

**Editorial Notes****PRIOR PROVISIONS**

Provisions similar to this section were contained in section 6766 of this title, prior to the general amendment of this subchapter by Pub. L. 114-1.

A prior section 6764, Pub. L. 106-102, title III, §334, Nov. 12, 1999, 113 Stat. 1433, related to coordination with other regulators, prior to the general amendment of this subchapter by Pub. L. 114-1. See section 6761 of this title.

A prior section 6765, Pub. L. 106-102, title III, §335, Nov. 12, 1999, 113 Stat. 1433, which related to judicial review, was omitted in the general amendment of this subchapter by Pub. L. 114-1. See section 6762 of this title.

A prior section 6766, Pub. L. 106-102, title III, §336, Nov. 12, 1999, 113 Stat. 1433, which related to definitions, was omitted in the general amendment of this subchapter by Pub. L. 114-1.

**SUBCHAPTER IV—RENTAL CAR AGENCY INSURANCE ACTIVITIES****§ 6781. Standard of regulation for motor vehicle rentals****(a) Protection against retroactive application of regulatory and legal action**

Except as provided in subsection (b), during the 3-year period beginning on November 12, 1999, it shall be a presumption that no State law imposes any licensing, appointment, or education requirements on any person who solicits the purchase of or sells insurance connected with, and incidental to, the lease or rental of a motor vehicle.

**(b) Preeminence of State insurance law**

No provision of this section shall be construed as altering the validity, interpretation, construction, or effect of—

- (1) any State statute;
- (2) the prospective application of any court judgment interpreting or applying any State statute; or
- (3) the prospective application of any final State regulation, order, bulletin, or other statutorily authorized interpretation or action,

which, by its specific terms, expressly regulates or exempts from regulation any person who solicits the purchase of or sells insurance connected with, and incidental to, the short-term lease or rental of a motor vehicle.

**(c) Scope of application**

This section shall apply with respect to—

(1) the lease or rental of a motor vehicle for a total period of 90 consecutive days or less; and

(2) insurance which is provided in connection with, and incidentally to, such lease or rental for a period of consecutive days not exceeding the lease or rental period.

**(d) Motor vehicle defined**

For purposes of this section, the term “motor vehicle” has the same meaning as in section 13102 of title 49.

(Pub. L. 106-102, title III, §341, Nov. 12, 1999, 113 Stat. 1434.)

**CHAPTER 94—PRIVACY****SUBCHAPTER I—DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION**

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**SUBCHAPTER I—DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION****§ 6801. Protection of nonpublic personal information****(a) Privacy obligation policy**

It is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers’ nonpublic personal information.

**(b) Financial institutions safeguards**

In furtherance of the policy in subsection (a), each agency or authority described in section 6805(a) of this title, other than the Bureau of Consumer Financial Protection, shall establish appropriate standards for the financial institutions subject to their jurisdiction relating to administrative, technical, and physical safeguards—

- (1) to insure the security and confidentiality of customer records and information;
- (2) to protect against any anticipated threats or hazards to the security or integrity of such records; and
- (3) to protect against unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customer.