

Bill No. CS for CS for SB 204

Amendment No. \_\_\_\_ Barcode 454552

CHAMBER ACTION

Senate

House

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Senator Miller moved the following amendment:

**Senate Amendment**

On page 4, line 23, through  
page 5, line 18, delete those lines

and insert: in which instance the insurer shall:

a. Treat the applicant or insured as if the applicant or insured had neutral credit information as defined by the insurer.

b. Treat the consumer as if the applicant or insured had neutral credit information, as defined by the insurer.

c. Exclude the use of credit information as a factor and use only other underwriting criteria;

2. Collection accounts with a medical industry code, if so identified on the consumer's credit report;

3. Place of residence; or

4. Any other circumstance that the Financial Services Commission determines, by rule, lacks sufficient statistical correlation and actuarial justification as a predictor of insurance risk.

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1           (d) An insurer may use the number of credit inquiries  
2 requested or made regarding the applicant or insured except  
3 for:  
4           1. Credit inquiries not initiated by the consumer or  
5 inquiries requested by the consumer for his or her own credit  
6 information.  
7           2. Inquiries relating to insurance coverage, if so  
8 identified on a consumer's credit report.  
9           3. Collection accounts with a medical industry code,  
10 if so identified on the consumer's credit report.  
11           4. Multiple lender inquiries, if coded by the consumer  
12 reporting agency on the consumer's credit report as being from  
13 the home mortgage industry and made within 30 days of one  
14 another, unless only one inquiry is considered.  
15           5. Multiple lender inquiries, if coded by the consumer  
16 reporting agency on the consumer's credit report as being from  
17 the automobile lending industry and made within 30 days of one  
18 another, unless only one inquiry is considered.  
19           (e) An insurer must, upon the request of an applicant  
20 or insured, provide a means of appeal for an applicant or  
21 insured whose credit report or credit score is unduly  
22 influenced by a dissolution of marriage, the death of a  
23 spouse, or temporary loss of employment. The insurer must  
24 complete its review within 10 business days after the request  
25 by the applicant or insured and receipt of reasonable  
26 documentation requested by the insurer, and, if the insurer  
27 determines that the credit report or credit score was unduly  
28 influenced by any of such factors, the insurer shall treat the  
29 applicant or insured as if the applicant or insured had  
30 neutral credit information or shall exclude the credit  
31 information, as defined by the insurer, whichever is more

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1 favorable to the applicant or insured. An insurer shall not be  
2 considered out of compliance with its underwriting rules or  
3 rates or forms filed with the Office of Insurance Regulation  
4 or out of compliance with any other state law or rule as a  
5 result of granting any exceptions pursuant to this subsection.

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