

# 2009 SESSION

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## HOUSE BILL NO. 2394

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 59.1-442.1, relating to the Personal Information Privacy Act; sale of credit inquiry information.*

Patrons—Bell, Athey, Lingamfelter and Merricks

Referred to Committee on Commerce and Labor

### Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 59.1-442.1 as follows:

§ 59.1-442.1. *Sale of credit inquiry information.*

A. As used in this section, "consumer reporting agency" has the same meaning as in § 6.3(f) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(f)).

B. Neither a consumer reporting agency nor any other business entity may sell to, or exchange with, a third party any information regarding a credit inquiry arising from an individual's application for a loan to be secured by a deed of trust or mortgage on residential property, when the sale or exchange of such information is triggered by an inquiry made in response to an application for credit.

C. The prohibition set forth in subsection B shall not apply:

1. If the individual has consented expressly to the sale or exchange by the consumer reporting agency or other business entity of such information;

2. If the third party holds an existing loan secured by a deed of trust or mortgage on property described in the inquiry or application; or

3. To information provided by a mortgage originator or servicer to a third party providing services in connection with the mortgage loan origination or servicing; a proposed or actual securitization; secondary market sale, including sales of servicing rights; or similar transaction related to the consumer mortgage loan.

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