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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2279

02/15/2012 Authored by Slocum, Greiling, Nelson, Wagenius, Persell and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to insurance; modifying the limitations on the use of credit information;
1.3 amending Minnesota Statutes 2010, section 72A.20, subdivision 36.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2010, section 72A.20, subdivision 36, is amended to
1.6 read:

1.7 Subd. 36. Limitations on the use of credit information. (a) No insurer or group of
1.8 affiliated insurers may reject, cancel, or nonrenew, limit coverage under, or determine the
1.9 premium rate for a policy of private passenger motor vehicle insurance as defined under
1.10 section 65B.01 or a policy of homeowner's insurance as defined under section 65A.27,
1.11 for any person in whole or in part on the basis of credit information, including a credit
1.12 reporting product known as a "credit score" or "insurance score," without consideration
1.13 and inclusion of any other applicable underwriting factor.

1.14 (b) If credit information, credit scoring, or insurance scoring is to be used in
1.15 underwriting, the insurer must disclose to the consumer that credit information will be
1.16 obtained and used as part of the insurance underwriting process.

1.17 (c) Insurance inquiries and non-consumer-initiated inquiries must not be used as part
1.18 of the credit scoring or insurance scoring process.

1.19 (d) If a credit score, insurance score, or other credit information relating to a
1.20 consumer, with respect to the types of insurance referred to in paragraph (a), is adversely
1.21 impacted or cannot be generated because of the absence of a credit history, the insurer
1.22 must exclude the use of credit as a factor in the decision to reject, cancel, or nonrenew,
1.23 limit coverage, or determine the premium rate.

2.1 (e) Insurers must upon the request of a policyholder reevaluate the policyholder's
2.2 score. Any change in premium resulting from the reevaluation must be effective upon
2.3 the renewal of the policy. An insurer is not required to reevaluate a policyholder's score
2.4 pursuant to this paragraph more than twice in any given calendar year.

2.5 (f) Insurers must upon request of the applicant or policyholder provide reasonable
2.6 underwriting exceptions based upon prior credit histories for persons whose credit
2.7 information is unduly influenced by expenses related to a catastrophic injury or illness,
2.8 temporary loss of employment, or the death of an immediate family member. The insurer
2.9 may require reasonable documentation of these events prior to granting an exception.

2.10 (g) A credit scoring or insurance scoring methodology must not be used by an
2.11 insurer if the credit scoring or insurance scoring methodology incorporates the gender,
2.12 race, nationality, or religion of an insured or applicant.

2.13 (h) Insurers that employ a credit scoring or insurance scoring system in underwriting
2.14 of coverage described in paragraph (a) must have on file with the commissioner:

2.15 (1) the insurer's credit scoring or insurance scoring methodology; and

2.16 (2) information that supports the insurer's use of a credit score or insurance score as
2.17 an underwriting criterion.

2.18 (i) Insurers described in paragraph (h) shall file the required information with the
2.19 commissioner within 120 days of August 1, 2002, or prior to implementation of a credit
2.20 scoring or insurance scoring system by the insurer, if that date is later.

2.21 (j) Information provided by, or on behalf of, an insurer to the commissioner under
2.22 this subdivision is trade secret information under section 13.37.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to
2.24 policies issued, renewed, or continued as defined in Minnesota Statutes, section 60A.02,
2.25 subdivision 2a, on or after that date.