§ 2802. Use of credit information. An insurer doing business in this state that uses credit information to underwrite or rate risks for personal lines insurance, shall not:

(a) use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status, or nationality of the consumer as a factor;

(b) deny a policy of personal lines insurance solely on the basis of credit information, without consideration of any other applicable underwriting factor independent of credit information, provided that an offer by an insurer to provide coverage by writing a policy through an affiliate insurer or a tier within the insurer shall not constitute a denial of a policy;

(c) use credit information to cancel or nonrenew a policy or increase an insured's premium for personal lines insurance on renewal provided that nothing in this section shall be construed to prohibit an insurer from considering an insured's tier placement pursuant to section two thousand three hundred forty-nine of this chapter or placement with a company within a group of affiliated companies in conjunction with factors other than credit information as part of its renewal process;

(d) take an adverse action against a consumer solely because he or she does not have a credit card account, without consideration of any other applicable factor independent of credit information;

(e) consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(1) treats the consumer as if the applicant or insured had neutral credit information, as defined by the insurer;

(2) excludes the use of credit information as a factor and uses only other underwriting criteria; or

(3) treats the consumer as otherwise approved by the superintendent, if the insurer presents information that such an absence or inability relates to the risk for the insurer;

(f) take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within ninety days from the date the policy is first written;

(g) use credit information unless at least once every thirty-six

months, upon the request of a consumer or the consumer's agent, the insurer shall re-underwrite and re-rate the policy based upon a current credit report or insurance score provided, however, that this shall not result in a premium increase for the insured. An insurer need not recalculate the insurance score or obtain the updated credit report of a consumer more frequently than once in a thirty-six-month period. Regardless of the requirements of this subsection:

(1) The insurer shall have the discretion to obtain current credit information upon any renewal, if consistent with its underwriting guidelines provided that such information may be used only to reduce premiums for the insured; and

(2) No insurer need obtain current credit information for an insured, despite the requirements of this subsection, if one of the following applies:

(A) The insured is in the most favorably-priced tier of the insurer, within a group of affiliated insurers; or

(B) Credit was not used for underwriting or rating such insured when the policy was initially written. However, the insurer shall have the discretion to use credit for underwriting or rating such insured upon renewal, if such use would reduce premiums for the insured;

(h) use any of the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal lines insurance:

(1) credit inquiries not initiated by the consumer or inquiries requested by the consumer for his or her own credit information;

(2) inquiries relating to insurance coverage, if so identified on a consumer's credit report;

(3) collection accounts with a medical industry code, if so identified on the consumer's credit report;

(4) multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within thirty days of one another, unless only one inquiry is considered; or

(5) multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within thirty days of one another, unless only one inquiry is considered.