

## 1 HOUSE JOINT RESOLUTION NO. 33

2 INTRODUCED BY T. FALK, E. BUTTREY

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA URGING THE UNITED STATES CONGRESS TO TAKE ACTION RELATING TO UNSOLICITED  
6 OFFERS OF MORTGAGE CREDIT, KNOWN AS TRIGGER LEADS.

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8 WHEREAS, the Montana Legislature maintains that it is in the best interest of all Montanans to have  
9 access to safe, accountable, and private mortgage banking in achieving the American dream of home  
10 ownership; and

11 WHEREAS, Montanans who seek to fulfill this dream have been increasingly besieged with unsolicited  
12 credit offers from a litany of unknown and amorphous financial institutions, not because Montana homebuyers  
13 requested the credit solicitations, but because various entities obtained leads that were triggered by the  
14 Montana homebuyer potentially seeking a mortgage through a trusted and known lender; and

15 WHEREAS, these unsolicited offers of credit by entities unknown to Montanans, known as trigger  
16 leads, routinely subject Montanans to a barrage of unrequested, unnecessary, and gratuitous emails, mail,  
17 texts, and telephone calls at all times, day and night; and

18 WHEREAS, trigger leads are, at worst, criminally fraudulent offers by entities seeking to commit identity  
19 theft, and at best, trigger leads subject Montanans to daily harassment. Accordingly, the Montana Legislature  
20 declares trigger leads a public nuisance that must be, at the very least, competently regulated, but the best  
21 solution is for trigger leads to be prohibited; and

22 WHEREAS, the federal Fair Credit Reporting Act and the Consumer Financial Protection Bureau,  
23 operating with the intent of fostering interstate commerce and competition in the mortgage credit market, have  
24 naively shielded trigger leads from any meaningful state action; and

25 WHEREAS, although the Fair Credit Reporting Act and the Consumer Financial Protection Bureau  
26 allow for a person to opt out of unsolicited offers of credit, in reality this practice is wholly ineffective and has  
27 only served as a convenient excuse to avoid meaningful federal regulation; and

28 WHEREAS, the United States Congress has, through introduced legislation, identified the

1     overwhelming problem with the proliferation of trigger leads; none of these acts, however, have yet to pass.

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3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
4 THE STATE OF MONTANA:

5 That the 69th Montana Legislature urges the United States Congress to take meaningful action to  
6 protect not only Montanans but all Americans by curtailing or eliminating trigger leads and, at the very least, to  
7 allow Montana and other states to protect their citizens by eliminating federal preemption of trigger leads under  
8 the Fair Credit Reporting Act.

9 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each  
10 member of the Montana Congressional Delegation.

11 - END -