

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0771.01 Jennifer Berman x3286

SENATE BILL 14-102

SENATE SPONSORSHIP

Ulibarri,

HOUSE SPONSORSHIP

Gardner and Rosenthal,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADDITION OF EMPLOYMENT POSITIONS HELD AT**
102 **FINANCIAL INSTITUTIONS TO THE CIRCUMSTANCES UNDER**
103 **WHICH AN EMPLOYER MAY USE CONSUMER CREDIT**
104 **INFORMATION FOR EMPLOYMENT PURPOSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, an employer may use consumer credit information for employment purposes if the information is substantially

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 10, 2014

SENATE
2nd Reading Unamended
February 7, 2014

related to the employee's current or potential job."Substantially related to the employee's current or potential job" is defined in statute to mean when the position "[c]onstitutes executive or management personnel or officers or employees who constitute professional staff to executive and management personnel".

Current law also governs circumstances under which an employer may require a credit report, including when the information is substantially related to the employee's current or potential job, when the employer is a bank or financial institution, or when the report is required by law.

To ensure that a bank or financial institution authorized to require a credit report may then use the credit report, the bill allows bank or financial institution employers to use consumer credit information for employment purposes by amending the definition of "substantially related to the employee's current or potential job" to include positions held at banks or financial institutions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-2-126, **amend** (2)
3 (g) (I) (D) and (2) (g) (II); and **add** (2) (g) (III) as follows:

4 **8-2-126. Employer use of consumer credit information -**
5 **violation - short title - definitions.** (1) This section shall be known and
6 may be cited as the "Employment Opportunity Act".

7 (2) As used in this section:

8 (g) "Substantially related to the employee's current or potential
9 job" means the information contained in a credit report is related to the
10 position for which the employee who is the subject of the report is being
11 evaluated because the position:

12 (I) Constitutes executive or management personnel or officers or
13 employees who constitute professional staff to executive and management
14 personnel, and the position involves one or more of the following:

15 (D) The authority to issue payments, collect debts, or enter into
16 contracts; ~~or~~

1 (II) Involves contracts with defense, intelligence, national
2 security, or space agencies of the federal government; OR

3 (III) IS WITH A BANK OR FINANCIAL INSTITUTION.

4 **SECTION 2. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.