

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 4, 2013
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB13-018 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 17.

2 Page 3, strike lines 1 through 21.

3 Renumber succeeding sections accordingly.

4 Page 4, strike line 16 and substitute:

5 "(d) "EMPLOYEE" MEANS EVERY PERSON WHO MAY BE PERMITTED,
6 REQUIRED, OR DIRECTED BY ANY EMPLOYER IN CONSIDERATION OF DIRECT
7 OR INDIRECT GAIN OR PROFIT, TO ENGAGE IN ANY EMPLOYMENT".

8 Page 4, strike lines 23 through 27 and substitute:

9 "(g) "SUBSTANTIALLY RELATED TO THE EMPLOYEE'S CURRENT OR
10 POTENTIAL JOB" MEANS THE INFORMATION CONTAINED IN A CREDIT
11 REPORT IS RELATED TO THE POSITION FOR WHICH THE EMPLOYEE WHO IS
12 THE SUBJECT OF THE REPORT IS BEING EVALUATED BECAUSE THE POSITION:

13 (I) CONSTITUTES EXECUTIVE OR MANAGEMENT PERSONNEL OR
14 OFFICERS OR EMPLOYEES WHO CONSTITUTE PROFESSIONAL STAFF TO
15 EXECUTIVE AND MANAGEMENT PERSONNEL, AND THE POSITION INVOLVES
16 ONE OR MORE OF THE FOLLOWING:

17 (A) SETTING THE DIRECTION OR CONTROL OF A BUSINESS,
18 DIVISION, UNIT, OR AN AGENCY OF A BUSINESS;

- 1 (B) A FIDUCIARY RESPONSIBILITY TO THE EMPLOYER;
2 (C) ACCESS TO CUSTOMERS', EMPLOYEES', OR THE EMPLOYER'S
3 PERSONAL OR FINANCIAL INFORMATION OTHER THAN INFORMATION
4 CUSTOMARILY PROVIDED IN A RETAIL TRANSACTION; OR
5 (D) THE AUTHORITY TO ISSUE PAYMENTS, COLLECT DEBTS, OR
6 ENTER INTO CONTRACTS; OR
7 (II) INVOLVES CONTRACTS WITH DEFENSE, INTELLIGENCE,
8 NATIONAL SECURITY, OR SPACE AGENCIES OF THE FEDERAL
9 GOVERNMENT;".

10 Page 5, line 3, strike "JOB-RELATED." and substitute "RELATED TO THE
11 EMPLOYEE'S CURRENT OR POTENTIAL JOB. AN EMPLOYER OR EMPLOYER'S
12 AGENT, REPRESENTATIVE, OR DESIGNEE SHALL NOT REQUIRE AN EMPLOYEE
13 TO CONSENT TO A REQUEST FOR A CREDIT REPORT THAT CONTAINS
14 INFORMATION ABOUT THE EMPLOYEE'S CREDIT SCORE, CREDIT ACCOUNT
15 BALANCES, PAYMENT HISTORY, SAVINGS OR CHECKING ACCOUNT
16 BALANCES, OR SAVINGS OR CHECKING ACCOUNT NUMBERS AS A CONDITION
17 OF EMPLOYMENT UNLESS:

- 18 (I) THE EMPLOYER IS A BANK OR FINANCIAL INSTITUTION;
19 (II) THE REPORT IS REQUIRED BY LAW; OR
20 (III) THE REPORT IS SUBSTANTIALLY RELATED TO THE EMPLOYEE'S
21 CURRENT OR POTENTIAL JOB AND THE EMPLOYER HAS A BONA FIDE
22 PURPOSE FOR REQUESTING OR USING INFORMATION IN THE CREDIT REPORT
23 THAT IS SUBSTANTIALLY RELATED TO THE EMPLOYEE'S CURRENT OR
24 POTENTIAL JOB AND IS DISCLOSED IN WRITING TO THE EMPLOYEE."

25 Page 5, line 5, strike "JOB-RELATED," and substitute "RELATED TO THE
26 EMPLOYEE'S CURRENT OR POTENTIAL JOB,".

27 Page 5, line 9, strike "SUCH AS A LAYOFF, AN".

28 Page 5, strike lines 10 and 11 and substitute "INCLUDING A LAYOFF, ERROR
29 IN THE CREDIT INFORMATION, ACT OF IDENTITY THEFT, MEDICAL EXPENSE,
30 MILITARY SEPARATION, DEATH, DIVORCE, OR SEPARATION IN THE
31 EMPLOYEE'S FAMILY, STUDENT DEBT, OR A LACK OF CREDIT HISTORY."

32 Page 5, strike lines 21 through 24 and substitute "MAY FILE A COMPLAINT
33 WITH THE DIVISION OF LABOR, UPON WHICH THE DIVISION OF LABOR SHALL
34 PROMPTLY INVESTIGATE AND ISSUE FINDINGS WITHIN THIRTY DAYS AFTER
35 A HEARING AND MAY AWARD CIVIL PENALTIES NOT TO EXCEED TWO
36 THOUSAND FIVE HUNDRED DOLLARS TO A PREVAILING PARTY IN AN ACTION

1 BROUGHT UNDER THIS SUBSECTION (5).".

2 Page 5, after line 26 insert:

3 "(7) NOTHING IN THIS SECTION IMPOSES ANY LIABILITY ON A
4 PERSON, INCLUDING A CONSUMER REPORTING AGENCY, AS THAT TERM IS
5 DEFINED IN SECTION 12-14.3-102 (4), C.R.S., FOR PROVIDING AN
6 EMPLOYER WITH CONSUMER CREDIT INFORMATION.".

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