

SHORT TITLE: Defamation; granting employer immunity from civil liability for disclosure of information about current or former employee's job performance to prospective employer; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 15

By: Long (Lewis)

AS INTRODUCED

An Act relating to defamation; granting employer immunity from civil liability for disclosure of information about current or former employee's job performance to prospective employer; presuming employer is acting in good faith unless clear and convincing evidence shows otherwise; stating condition under which presumption of good faith is rebutted; making provision applicable to certain persons; declaring failure to comply with provisions does not give rise to certain liability or causes of action; making act applicable to causes of action accruing on and after effective date; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.1 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. An employer who discloses information about a current or former employee's job performance to a prospective employer of the current or former employee upon request of the prospective employer or of the former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing

evidence, is immune from civil liability for such disclosure or its consequences. For purposes of this section, the presumption of good faith is rebutted only upon a showing that the information disclosed by the current or former employer was false and the employer providing the information had knowledge of its falsity and acted with malice.

B. The provisions of this section shall apply to any employee, agent or other representative of the current or former employer who provides information in accordance with the provisions of this section.

C. Failure to comply with any provisions of this section shall not give rise to any liability or causes of action which did not exist prior to the effective date of this section.

D. This section shall apply to causes of action accruing on and after the effective date of this act.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0118

JY