

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1813

By: Johnson (Constance)

AS INTRODUCED

An Act relating to labor; defining terms; providing penalties for noncompliance with certain laws relating to the use of credit reports by employers when hiring employees; providing certain duty for Commissioner of Labor; 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 62 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of this section:

1. "Credit report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine if a person should be employed.

2. "Employee" shall mean any person performing or applying for work or service of any kind or character for hire;

3. "Employer" shall mean any person employing or seeking to employ any person for hire; and

4. "Employment" shall mean the act of employing or state of being employed, engaged, or hired.

B. Any employer in this state who fails to comply with the provisions of 15 U.S.C., Section 1681(b) of the Fair Credit Reporting Act in using a credit report of a person seeking employment to determine whether to hire the person as an employee,

shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment for not less than ten (10) nor more than thirty (30) days or both such fine and imprisonment.

C. It shall be the duty of the Commissioner of Labor to enforce the provisions of this act.

SECTION 2. This act shall become effective November 1, 2006.

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