

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE BILL 2372

By: Trebilcock and Turner of
the House

5 and

6 Loveless of the Senate
7

8 AS INTRODUCED
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10 An Act relating to labor; prohibiting employer from
11 requesting or requiring access to social media
12 account of certain employees; prohibiting an employer
13 from taking retaliatory personnel action for failure
14 to provide access to social media account;
15 authorizing civil actions for violations; providing
16 for recovery of attorney fees and court costs;
17 defining terms; providing for codification; and
18 providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 173.2 of Title 40, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Any employing entity located in this state shall not do any
24 of the following:

1 1. Request or require an employee or prospective employee to
2 disclose a username, password or other means of accessing a social
3 media account through an electronic communications device;

4 2. Request or require an employee or prospective employee to
5 take an action that allows the employer to gain access to the
6 employee's or prospective employee's social media account if the
7 account's contents are not available to the general public;

8 3. Take retaliatory personnel action against an employee for
9 refusing to give the employer access to the employee's social media
10 account; and

11 4. Fail or refuse to hire a prospective employee as a result of
12 the prospective employee's refusal to allow the employer access to
13 the prospective employee's social media account.

14 B. An employee or prospective employee may bring a civil action
15 against an employer who violates this section in a court located in
16 the county in which the employee or prospective employee resides or
17 where the alleged violation occurred. Such action shall be brought
18 within two (2) years after the violation occurred. The employee or
19 prospective employee may seek injunctive relief to restrain the
20 employer from continuing to act in violation of this section and may
21 recover damages in an amount equal to the actual damages arising
22 from the violation or Five Hundred Dollars (\$500.00) per violation,
23 whichever is greater. An employee or prospective employee who
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1 prevails is entitled to recover court costs and reasonable attorney
2 fees.

3 C. As used in this section:

4 1. "Electronic communications device" means a device that uses
5 electronic signals to create, transmit or receive information,
6 including computers, telephones, personal digital assistants and
7 other similar devices; and

8 2. "Social media account" means an interactive personal account
9 or profile that an individual establishes and uses through an
10 electronic application, service or platform used to generate or
11 store content, including, but not limited to, videos, still
12 photographs, blogs, video blogs, instant messages, audio recordings
13 or e-mail that is not available to the general public.

14 SECTION 2. This act shall become effective November 1, 2014.

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16 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL
17 SERVICES, dated 02/06/2014 - DO PASS, As Coauthored.

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