

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 420 Session of 2009

INTRODUCED BY WILLIAMS, KITCHEN, HUGHES, STOUT, LOGAN, MUSTO,  
LEACH, M. WHITE, TARTAGLIONE AND FERLO, FEBRUARY 20, 2009

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 20, 2009

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),  
2 entitled, as amended, "An act prohibiting certain practices  
3 of discrimination because of race, color, religious creed,  
4 ancestry, age or national origin by employers, employment  
5 agencies, labor organizations and others as herein defined;  
6 creating the Pennsylvania Human Relations Commission in the  
7 Governor's Office; defining its functions, powers and duties;  
8 providing for procedure and enforcement; providing for  
9 formulation of an educational program to prevent prejudice;  
10 providing for judicial review and enforcement and imposing  
11 penalties," further providing for unlawful discriminatory  
12 practices.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 5 of the act of October 27, 1955 (P.L.  
16 744, No.222), known as the Pennsylvania Human Relations Act, is  
17 amended by adding a subsection to read:

18 Section 5. Unlawful Discriminatory Practices.--It shall be  
19 an unlawful discriminatory practice, unless based upon a bona  
20 fide occupational qualification, or in the case of a fraternal  
21 corporation or association, unless based upon membership in such  
22 association or corporation, or except where based upon  
23 applicable security regulations established by the United States

1 or the Commonwealth of Pennsylvania:

2 \* \* \*

3 (m) For any employer or potential employer to procure a  
4 consumer report for employment purposes where any information  
5 contained in the report bears on the consumer's credit  
6 worthiness, credit standing or credit capacity, unless the  
7 information is either:

8 (1) substantially job-related and the employer's or  
9 potential employer's reasons for the use of the information are  
10 disclosed to the consumer in writing, in which case, the burden  
11 of proof shall be on the employer or potential employer to  
12 demonstrate that the employe's or potential employe's credit  
13 worthiness, credit standing or credit capacity is substantially  
14 job-related; or

15 (2) required by law.

16 \* \* \*

17 Section 2. This act shall take effect in 60 days.