

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 128 Session of
2011

INTRODUCED BY WILLIAMS, TARTAGLIONE, RAFFERTY, KITCHEN, M. WHITE
AND LEACH, JANUARY 18, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JANUARY 18, 2011

AN ACT

1 Prohibiting employers from using consumer reports under certain
2 circumstances; and providing for enforcement.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Employer Use
7 of Consumer Report Act.

8 Section 2. Prohibition.

9 No employer or potential employer shall procure a consumer
10 report for employment purposes if any information contained in
11 the report bears on the employee's or potential employee's
12 credit worthiness, credit standing or credit capacity, unless
13 the information is either:

14 (1) substantially job related and the employer's or
15 potential employer's reasons for the use of the information
16 are disclosed to the employee or potential employee in
17 writing, in which case, the burden of proof shall be on the

1 employer or potential employer to demonstrate that the
2 employee's or potential employee's credit worthiness, credit
3 standing or credit capacity is substantially job related; or
4 (2) required by law.

5 Section 3. Enforcement.

6 A violation of section 2 shall constitute an unlawful
7 discriminatory practice for purposes of section 5 of the act of
8 October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
9 Human Relations Act, and shall be subject to enforcement as
10 provided under that act.

11 Section 10. Effective date.

12 This act shall take effect in 60 days.