AN ACT

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

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

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

Section 5.4. Credit Report Requirement.--(a) It shall be an
unlawful discriminatory practice for an employer to require, as
a condition of employment, an employe or prospective employe to
consent to the creation of a credit report that contains
information about the employe's or prospective employe's credit
score, credit account balances, payment history, savings or
checking account balances or savings or checking account numbers unless one of the following applies:

(1) The report is substantially related to the employe's current or potential job.

(2) The report is required by law.

(3) The position is with the Office of Attorney General, Pennsylvania State Police or another law enforcement agency.

(b) For the purposes of this section, "substantially related to the employe's current or potential job" means related to the position for which the employe or prospective employe who is the subject of the report is being evaluated because the position:

(1) is a managerial position which involves setting the direction or control of the business;

(2) involves access to customers', employes' or the employer's personal or financial information other than information customarily provided in a retail transaction;

(3) involves a fiduciary responsibility to the employer, including the authority to issue payments, transfer money or enter into contracts;

(4) requires access to confidential or proprietary information that derives value from secrecy and efforts are made to keep it secret; or

(5) involves regular access during the work day to cash totaling at least $10,000.

Section 2. The addition of section 5.4 of the act shall not apply to employment contracts entered into or renewed prior to the effective date of this section.

Section 3. This act shall take effect in 60 days.