

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 408 Session of
2005

INTRODUCED BY SCHRODER, ARMSTRONG, BAKER, BALDWIN, BARRAR,
BENNINGHOFF, BOYD, CAPPELLI, CLYMER, CRAHALLA, DALLY,
FAIRCHILD, GABIG, GEIST, GINGRICH, GRUCELA, HALUSKA, HARPER,
HARRIS, HENNESSEY, HERSHEY, HUTCHINSON, M. KELLER, KILLION,
MACKERETH, MANN, MCGEEHAN, R. MILLER, S. MILLER, MUNDY,
O'NEILL, PICKETT, REED, REICHLEY, ROHRER, RUBLEY, SATHER,
B. SMITH, STABACK, E. Z. TAYLOR, THOMAS, TURZAI, WANSACZ,
WATSON AND WILT, FEBRUARY 9, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for employer
3 immunity from liability for disclosure of information
4 regarding former or current employees.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8340.1. Employer immunity from liability for disclosure of
10 information regarding former or current employees.

11 (a) General rule.--An employer who discloses information
12 about a former or current employee to a prospective employer of
13 the former or current employee upon request of the prospective
14 employer or of the former or current employee is immune from any
15 and all civil liability, including, but not limited to,
16 defamation and interference with contract or prospective

1 contract, for such disclosure or its consequences.

2 (b) Applicability.--The immunity provided for in subsection
3 (a) shall not apply if it is shown in any civil action by the
4 former or current employee by clear and convincing evidence that
5 the former or current employer intentionally disclosed
6 information knowing that it was false and acting out of ill
7 will.

8 (c) Construction.--This section shall not be construed as
9 establishing a cause of action or substantive legal right
10 against an employer. This section does not affect any immunities
11 from civil liability or defenses established by another
12 provision of this title, other law or available at common law to
13 which an employer may be entitled.

14 (d) Definition.--As used in this section, the term
15 "employer" means a business enterprise, of whatever form, or
16 public entity and any person acting on behalf of the business
17 enterprise or public entity.

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