

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2619 Session of
2012

INTRODUCED BY MURT, SEPTEMBER 18, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 18, 2012

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," providing for credit report requirement.

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

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

17 Section 5.4. Credit Report Requirement.--(a) It shall be an
18 unlawful discriminatory practice for any employer or any
19 employer's agent, representative or designee to require an
20 employee or prospective employee to consent to the creation of a
21 credit report that contains information about the employee's or
22 prospective employee's credit score, credit account balances,
23 payment history, savings or checking account balances or savings

or checking account numbers as a condition of employment unless
one of the following applies:

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

(2) Such report is required by law.

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

(b) For the purposes of this section, "substantially related
to the employee's current or potential job" means the information
contained in the credit report is related to the position for
which the employee or prospective employee 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', employees' 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, but not limited to, 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 to cash totaling \$10,000 or more
during the work day.

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