
HOUSE BILL 2995

State of Washington

58th Legislature

2004 Regular Session

By Representatives Carrell, Newhouse, McMahan, Benson, Rodne, Schoesler, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta, Anderson and Nixon

Read first time 01/26/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to civil liability reform; adding a new section to
2 chapter 4.24 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that employers are
5 becoming increasingly discouraged from disclosing job reference
6 information by unclear laws and uncertain standards of liability. The
7 legislature further finds that full good faith disclosure of job
8 reference information will increase productivity, enhance the safety of
9 the workplace, and provide greater opportunities to disadvantaged
10 groups who may not have the educational background or resumes of other
11 workers.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
13 to read as follows:

14 (1) An employer who discloses information about a former or current
15 employee's job performance, conduct, or other work-related information
16 to a prospective employer, or employment agency as defined by RCW
17 49.60.040, at the specific request of that individual employer or
18 employment agency, is immune from civil liability for such disclosure

1 or its consequences when such disclosure is made in good faith. For
2 purposes of this section, an employer's disclosure of work-related
3 information at the specific request of another employer or employment
4 agency is presumed to be made in good faith. However, the presumption
5 of good faith may be rebutted upon a showing of clear, cogent, and
6 convincing evidence that the information disclosed by the employer was
7 knowingly false or deliberately misleading.

8 (2) For the purposes of this section, "employer" means a
9 corporation, firm, organization, or any other entity with one or more
10 employees and the employees and agents of the corporation, firm,
11 organization, or other entity when acting within the scope of their
12 employment or agency.

13 NEW SECTION. **Sec. 3.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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