
HOUSE BILL 2438

State of Washington

59th Legislature

2006 Regular Session

By Representatives Hudgins, Nixon, Upthegrove and McDermott

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Committee on Commerce & Labor.

1 AN ACT Relating to prohibiting employers from compelling or
2 coercing disclosure of social security numbers on employment
3 applications; adding a new section to chapter 49.44 RCW; creating a new
4 section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the widespread
7 availability of social security numbers contributes to identity theft,
8 which has been well-documented as one of the nation's fastest growing
9 crimes. Requiring applicants to disclose social security numbers on
10 employment applications unreasonably and unnecessarily increases the
11 risk of exposing applicants to fraudulent users of social security
12 numbers. For these reasons, the legislature declares that applicants
13 need not provide social security numbers to potential employers in the
14 absence of offers of employment.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.44 RCW
16 to read as follows:

17 (1) An employer may not compel or coerce a person into providing a
18 social security number on an employment application or through any

1 other means until the employer gives the person an offer of employment.
2 Any request for a social security number before an offer of employment
3 must be in writing, and must state that disclosure of a social security
4 number before an offer of employment is voluntary.

5 (2) An employer may not discriminate against a person because he or
6 she does not provide a social security number before an offer of
7 employment.

8 (3)(a) A person who believes an employer has violated subsection
9 (1) or (2) of this section may file a complaint alleging the violation
10 with the director of the department of labor and industries. The
11 applicant may allege a violation only by filing such a complaint within
12 ninety days of the alleged violation.

13 (b) Upon receipt of the complaint, the director must cause an
14 investigation to be made as the director deems appropriate and must
15 determine whether subsection (1) or (2) of this section has been
16 violated. Notice of the director's determination must be sent to the
17 person who filed the complaint and the employer within ninety days of
18 receipt of the complaint.

19 (c) If the director determines that an employer violated subsection
20 (1) or (2) of this section, the employer is subject to a civil penalty
21 of at least one hundred dollars and not more than two hundred fifty
22 dollars for each violation.

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