

ESSB 5827 - H AMD 497

By Representative Hurst

FAILED 04/04/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 19.182.020 and 1993 c 476 s 4 are each amended to  
4 read as follows:

5 (1) A consumer reporting agency may furnish a consumer report only  
6 under the following circumstances:

7 (a) In response to the order of a court having jurisdiction to  
8 issue the order;

9 (b) In accordance with the written instructions of the consumer to  
10 whom it relates; or

11 (c) To a person that the agency has reason to believe:

12 (i) Intends to use the information in connection with a credit  
13 transaction involving the consumer on whom the information is to be  
14 furnished and involving the extension of credit to, or review or  
15 collection of an account of, the consumer;

16 (ii) Intends to use the information for employment purposes;

17 (iii) Intends to use the information in connection with the  
18 underwriting of insurance involving the consumer;

19 (iv) Intends to use the information in connection with a  
20 determination of the consumer's eligibility for a license or other  
21 benefit granted by a governmental instrumentality required by law to  
22 consider an applicant's financial responsibility or status; or

23 (v) Otherwise has a legitimate business need for the information in  
24 connection with a business transaction involving the consumer.

25 (2)(a) A person may not procure a consumer report, or cause a  
26 consumer report to be procured, for employment purposes with respect to  
27 any consumer who is not an employee at the time the report is procured  
28 or caused to be procured unless:

29 (i) A clear and conspicuous disclosure has been made in writing to  
30 the consumer before the report is procured or caused to be procured

1 that a consumer report may be obtained for purposes of considering the  
2 consumer for employment. The disclosure may be contained in a written  
3 statement contained in employment application materials; or

4 (ii) The consumer authorizes the procurement of the report.

5 (b) For the purposes of (a) of this subsection, a person may not  
6 procure a consumer report for employment purposes that bears on a  
7 consumer's creditworthiness, credit standing, or credit capacity,  
8 unless the information is job-related or required by law and the  
9 reasons for the use of the consumer report are disclosed to the  
10 consumer in writing.

11 (c) A person may not procure a consumer report, or cause a consumer  
12 report to be procured, for employment purposes with respect to any  
13 employee unless the employee has received, at any time after the person  
14 became an employee, written notice that consumer reports may be used  
15 for employment purposes. A written statement that consumer reports may  
16 be used for employment purposes that is contained in employee  
17 guidelines or manuals available to employees or included in written  
18 materials provided to employees constitutes written notice for purposes  
19 of this subsection. This subsection does not apply with respect to a  
20 consumer report of an employee who the employer has reasonable cause to  
21 believe has engaged in specific activity that constitutes a violation  
22 of law.

23 ((+e)) (d) In using a consumer report for employment purposes,  
24 before taking any adverse action based in whole or part on the report,  
25 a person shall provide to the consumer to whom the report relates: (i)  
26 The name, address, and telephone number of the consumer reporting  
27 agency providing the report; (ii) a description of the consumer's  
28 rights under this chapter pertaining to consumer reports obtained for  
29 employment purposes; and (iii) a reasonable opportunity to respond to  
30 any information in the report that is disputed by the consumer. This  
31 subsection applies to job applicants and current employees."

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