

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1619

By: Munson

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5  
6 AS INTRODUCED

7 An Act relating to labor; defining terms; prohibiting  
8 certain acts by employer; prohibiting discrimination;  
9 providing for penalty; prohibiting limitation of  
10 federal law; providing for codification; and  
11 providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 173.4 of Title 40, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Applicant" means a person who has made an oral or written  
18 application with an employer, or has sent a resume or other  
19 correspondence to an employer, indicating an interest in employment;

20 2. "Consumer reporting agency" means any entity that, for  
21 monetary fees or dues or on a cooperative nonprofit basis, regularly  
22 engages in the practice of assembling or evaluating consumer credit  
23 information or other information on consumers for the purpose of  
24 furnishing consumer reports to third parties;

1       3. "Credit information" means any credit-related information  
2 derived from a credit report or found in a credit report. The term  
3 does not include information that is not credit-related, regardless  
4 of whether that information is contained in a credit report;

5       4. "Credit report" means any written, oral or other  
6 communication of information by a consumer reporting agency that  
7 bears on a consumer's creditworthiness, credit standing or credit  
8 capacity;

9       5. "Department" means the Department of Labor;

10       6. "Employee" has the meaning assigned by Section 1301 of Title  
11 25 of the Oklahoma Statutes; and

12       7. "Employer" has the meaning assigned by Section 1301 of Title  
13 25 of the Oklahoma Statutes.

14       B. An employer shall not:

15       1. Directly or indirectly require, request, suggest or cause an  
16 employee or applicant, as a condition of employment, to:

17           a. submit a credit report or other credit information, or

18           b. authorize the employer's access to the employee's or  
19           applicant's credit report or other credit information;

20       2. Use, accept, refer to or inquire concerning the employee's  
21 or applicant's credit report or other credit information; or

22       3. Discharge, discipline, discriminate against or deny  
23 employment or promotion to an employee or applicant:

24           a. on the basis of the employee's or applicant's

1 credit report or other credit information, or

2 b. because the employee or applicant:

3 (1) refuses, declines or fails to submit a credit  
4 report or other credit information, or

5 (2) refuses, declines or fails to authorize the  
6 employer access to the employee's or applicant's  
7 credit report or other credit information.

8 C. An employer shall not discriminate against an employee or  
9 applicant because the individual:

10 1. Opposes any act or practice prohibited by this section; or

11 2. Makes or files a charge in connection with an act or  
12 practice prohibited by this section.

13 D. An employer shall not coerce, intimidate, threaten or  
14 interfere with an employee or applicant in the exercise or enjoyment  
15 of, or because the employee or applicant for employment has  
16 exercised, enjoyed, assisted or encouraged the exercise or enjoyment  
17 of, a right granted or protected by this section.

18 E. An employer commits an administrative violation if the  
19 employer violates this section. The penalty for a violation under  
20 this section shall not exceed Two Thousand Five Hundred Dollars  
21 (\$2,500.00). In assessing a penalty under this section, the  
22 Department shall consider:

23 1. Prior violations of this section by the employer;

24 2. The severity of the violation; and

1 3. Any other factor the Department determines to be relevant.

2 F. An action brought pursuant to this section shall be brought  
3 no later than one (1) year of the date of the violation.

4 G. This section shall not limit or affect the rights, remedies  
5 or procedures available to an individual who alleges an unlawful  
6 employment practice prohibited under federal law.

7 SECTION 2. This act shall become effective November 1, 2017.

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