

HOUSE BILL NO. 4240

March 09, 2023, Introduced by Reps. Scott, Neeley, Grant, Hood, Edwards, Dievendorf, Byrnes, Miller, Hill, Paiz, Morgan, Mentzer, Brenda Carter, Puri, Haadsma, Rogers, Rheingans, Farhat, Tyrone Carter, Steckloff, Wilson, Price, O'Neal, Stone, MacDonell, Young, Conlin, Aiyash and Whitsett and referred to the Committee on Insurance and Financial Services.

A bill to prohibit employers from making certain recruiting or hiring decisions based on an individual's credit history; to prohibit employers from making certain inquiries; to prohibit certain waivers; to prohibit retaliation; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "job applicant credit
2 privacy act".

3 Sec. 3. As used in this act:

4 (a) "Credit history" means information that is generally used

1 in evaluating an individual's creditworthiness, credit standing, or
2 credit capacity, such as a debt payment record or a credit score
3 compiled by a consumer credit agency.

4 (b) "Employer" means an individual or entity, or the agent of
5 an individual or entity, that allows 1 or more individuals to work
6 or accepts applications for employment.

7 Sec. 5. (1) Except as otherwise provided in subsection (2), an
8 employer shall not do either of the following:

9 (a) Fail or refuse to hire or to recruit an individual for
10 employment because of the individual's credit history.

11 (b) Inquire about a job applicant's or potential job
12 applicant's credit history.

13 (2) The prohibition in subsection (1) does not apply to
14 prevent an inquiry or employment action if a good credit history is
15 an established bona fide occupational requirement of a particular
16 position or employment classification. Good credit history is
17 considered to be an established bona fide occupational requirement
18 for an employee of any of the following:

19 (a) A state or nationally chartered bank or a bank holding
20 company, or its affiliate or subsidiary.

21 (b) A state or federally chartered savings and loan, savings
22 bank, or credit union, or its affiliate or subsidiary.

23 (c) A person licensed or registered under article 7 of the
24 occupational code, 1980 PA 299, MCL 339.720 to 339.736.

25 (d) A casino.

26 Sec. 7. A person shall not retaliate or discriminate against
27 an individual because the individual has done or was about to do
28 any of the following:

29 (a) Testify, assist, or participate in an investigation,

1 proceeding, or action concerning a violation of this act.

2 (b) Oppose a violation of this act.

3 Sec. 9. An employer shall not require an individual to waive
4 or limit any protection granted under this act as a condition of
5 applying for or receiving an offer of employment. An agreement to
6 waive any right or protection under this act is void and
7 unenforceable.

8 Sec. 11. (1) An individual who is injured by a violation of
9 this act may bring a civil action to obtain damages or injunctive
10 relief, or both.

11 (2) The court shall award costs and reasonable attorney fees
12 to an individual who prevails as a plaintiff in an action
13 authorized under this section.