

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 1301:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 10-1-393.14 of the Official Code of Georgia Annotated, relating to  
2 requirements relating to consumer reports furnished for employment purposes, so as to  
3 clarify the requirements for certain data reported by consumer reporting agencies; to provide  
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 10-1-393.14 of the Official Code of Georgia Annotated, relating to  
8 requirements relating to consumer reports furnished for employment purposes, is amended  
9 by revising said Code section as follows:

10 "10-1-393.14.

11 (a) As used in this Code section, the term:

12 (1) 'Adverse effect' means:

13 (A) A denial of employment;

14 (B) Any other decision for employment purposes that negatively affects any current  
15 or prospective employee; or

16 (C) A denial or cancellation of, an increase in any charge for, or any other adverse or  
17 unfavorable change in the terms of any license.

18 (2) 'Consumer report' means any written, oral, or other communication of any  
19 information bearing on a consumer's credit worthiness, credit standing, credit capacity,  
20 character, general reputation, personal characteristics, or mode of living which is used or  
21 expected to be used or collected in whole or in part for the purpose of serving as a factor  
22 in establishing the consumer's eligibility for purposes of credit, insurance, or  
23 employment.

24 (3) 'Consumer reporting agency' means any person or entity which, for monetary fees or  
25 dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the  
26 practice of assembling or evaluating consumer credit information or other information  
27 on consumers for the purpose of furnishing consumer reports to third parties.

28 (4) 'Employment purposes' means used for the purpose of evaluating a consumer for  
29 employment, promotion, reassignment, retention as an employee, or licensing.

30 (b) A consumer reporting agency which furnishes a consumer report for employment  
31 purposes and which for that purpose compiles and reports items of information on  
32 consumers which are matters of public record and are likely to have an adverse effect upon  
33 a consumer's ability to obtain employment shall:

34 (1) At the time such public record information is reported to the user of such consumer  
35 report, notify the consumer of the fact that public record information is being reported by  
36 the consumer reporting agency, together with the name and address of the person to  
37 whom such information is being reported; or

38 (2)(A) Maintain strict procedures designed to ensure that whenever public record  
39 information which is likely to have an adverse effect on a consumer's ability to obtain  
40 employment is reported it is complete and up to date.

41 (B) For purposes of this paragraph, items of public record relating to arrests,  
42 indictments, ~~and~~ convictions, record restrictions, vacated offenses, offenses discharged

43 pursuant to Code Section 16-13-2 or 42-8-60, and pardons shall be considered up to  
44 date if the current public record status of the item at the time of the report is reported  
45 the consumer report accurately reflects the present legal status of any such matter as of  
46 the date such report is furnished. Sealed criminal history record information shall not  
47 be reported if restricted and sealed by court order or as a matter of law as of the date  
48 such report is furnished.

49 (c) A consumer reporting agency shall be considered to be conducting business in this state  
50 if it provides information to any individual, partnership, corporation, association, or any  
51 other group however organized that is domiciled within this state or whose principal place  
52 of business is within this state.

53 (d) A consumer reporting agency that provides a consumer report for employment  
54 purposes that is in compliance with the federal Fair Credit Reporting Act in existence on  
55 March 11, 2015, shall be deemed to have complied with this Code section."

56 **SECTION 2.**

57 All laws and parts of laws in conflict with this Act are repealed.