

# Legislative Analysis

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## JOB APPLICANT CREDIT PRIVACY ACT

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**House Bill 4887**

**Sponsor: Rep. Fred Miller**

**Committee: Labor**

**Complete to 6-11-07**

### A SUMMARY OF HOUSE BILL 4887 AS INTRODUCED 6-7-07

The bill would create the Job Applicant Credit Privacy Act. Under the act, an employer could not (1) fail or refuse to hire an individual because of that individual's credit history; or (2) inquire about a job applicant's or potential job applicant's credit history.

However, the prohibition would not apply to prevent an inquiry or employment action in cases where a good credit history is an established bona fide occupational requirement of a particular position or job classification.

No Waiving or Limiting Protections. The bill would prohibit an employer from requiring an individual to waive or limit any protection granted under the bill as a condition of applying for or receiving an offer for employment. An agreement to waive any right or protection under the new act would be deemed contrary to public policy and void and unenforceable.

Remedies. An individual injured by a violation of the act could bring a civil suit to obtain damages and/or injunctive relief. The court would award costs and reasonable attorney fees to a prevailing plaintiff.

No Retaliation. A person could not retaliate or discriminate against an individual who filed a complaint (or was about to) under the act; testified, assisted, or participated in an investigation, proceeding, or action concerning a violation of the act; or opposed a violation of the act.

### FISCAL IMPACT:

House Bill 4887 would have an indeterminate fiscal impact on the judiciary; the fiscal impact would depend on how the bill increased civil court caseloads and any related administrative costs.

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