

# HOUSE BILL No. 4887

June 7, 2007, Introduced by Reps. Miller, Kathleen Law, Vagnozzi, Polidori, Meisner, Alma Smith, Hammel and Hammon and referred to the Committee on Labor.

A bill to prohibit employers from making certain recruiting or hiring decisions based upon 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 shall be known and may be cited as the "job  
2 applicant credit privacy act".

3           Sec. 3. As used in this act:

4           (a) "Credit history" means information that is generally used  
5 in evaluating an individual's creditworthiness, credit standing, or  
6 credit capacity, such as a debt payment record or a credit score  
7 compiled by a consumer credit agency.

8           (b) "Employer" means an individual or entity, or the agent of  
9 an individual or entity, that permits 1 or more individuals to work

1 or accepts applications for employment.

2 Sec. 5. (1) Except as provided in this section, an employer  
3 shall not do either of the following:

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

6 (b) Inquire about a job applicant's or potential job  
7 applicant's credit history.

8 (2) The prohibition in subsection (1) does not apply to  
9 prevent an inquiry or employment action if a good credit history is  
10 an established bona fide occupational requirement of a particular  
11 position or employment classification.

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

15 (a) File a complaint under this act.

16 (b) Testify, assist, or participate in an investigation,  
17 proceeding, or action concerning a violation of this act.

18 (c) Oppose a violation of this act.

19 Sec. 9. An employer shall not require an individual to waive  
20 or limit any protection granted under this act as a condition of  
21 applying for or receiving an offer of employment. An agreement to  
22 waive any right or protection under this act is contrary to public  
23 policy and is void and unenforceable.

24 Sec. 11. (1) An individual who is injured by a violation of  
25 this act may bring a civil suit to obtain damages or injunctive  
26 relief, or both.

27 (2) The court shall award costs and reasonable attorney fees

1 to an individual who prevails as a plaintiff in a suit authorized  
2 under this section.