

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 12 be amended to read as follows:

- 1 Page 27, between lines 10 and 11, begin a new paragraph and insert:
2 "SECTION 40. IC 22-5-7 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:
5 **Chapter 7. Prohibition Concerning the Use of Credit Score**
6 **Reductions During an Economic Downturn for Employment**
7 **Purposes**
8 **Sec. 1. As used in this chapter, "credit score " means an**
9 **numerical or other scoring on a written, an oral, or another**
10 **communication of information by a consumer reporting agency**
11 **concerning the:**
12 **(1) creditworthiness;**
13 **(2) credit standing; or**
14 **(3) credit capacity;**
15 **of a consumer.**
16 **Sec. 2. As used in this chapter, "economic downturn" a period**
17 **of:**
18 **(1) economic recession or depression in Indiana, as**
19 **determined by the department of labor; or**
20 **(2) another period determined by the department of labor to**
21 **be part of an economic downturn for the county or region**
22 **where the applicant or prospective applicant for employment**
23 **resides, after considering any combination of the following**
24 **factors:**

- 1 **(A) Negative or very low economic growth.**
 2 **(B) Rising unemployment.**
 3 **(C) Falling asset prices, such as share prices in the market**
 4 **for a broad range of publically traded stock or house**
 5 **prices.**
 6 **(D) Low confidence and falling investment.**
 7 **(E) Rising spare capacity.**
 8 **(F) Increasing government borrowing.**
- 9 **Sec. 3. An employer may not discriminate against an applicant**
 10 **or prospective applicant for employment based on the status of the**
 11 **applicant or prospective applicant as an individual whose credit**
 12 **score has been reduced during a period of economic downturn due**
 13 **to unemployment or underemployment or other factors beyond the**
 14 **control of the applicant or prospective applicant.**
- 15 **Sec. 4. An applicant or prospective applicant for employment**
 16 **who has been the subject of a violation of section 3 of this chapter**
 17 **may file a complaint with the department of labor. The complaint**
 18 **must be in the form and contain the information prescribed by the**
 19 **department of labor.**
- 20 **Sec. 5. If the department of labor, after conducting a proceeding**
 21 **under IC 4-21.5, determines that an employer has violated this**
 22 **chapter, the department shall order the suspension of all tax**
 23 **benefits from the state that the employer would otherwise be**
 24 **eligible to receive under IC 6-3.1 for a period determined by the**
 25 **department of labor that is not less than two (2) taxable years**
 26 **beginning after the date of the determination.**
- 27 **Sec. 6. The department of labor shall provide the department of**
 28 **state revenue and the Indiana economic development corporation**
 29 **with a copy of a final order issued under section 5 of this chapter.**
- 30 **Sec. 7. This chapter does not limit the rights or remedies of an**
 31 **applicant or prospective applicant for employment under any**
 32 **other state or federal law.**
- 33 SECTION 41. IC 22-5-8 IS ADDED TO THE INDIANA CODE AS
 34 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 35 PASSAGE]:
- 36 **Chapter 8. Prohibition Concerning the Consideration of**
 37 **Long-Term Unemployment Status for Employment Applicants**
- 38 **Sec. 1. An employer may not discriminate against an applicant**
 39 **or prospective applicant for employment based on the status of the**
 40 **applicant or prospective applicant as an individual who has been**
 41 **unemployed or under-employed for a period exceeding the period**
 42 **in which the individual is eligible for unemployment benefits under**
 43 **this title.**
- 44 **Sec. 2. An applicant or prospective applicant for employment**
 45 **who has been the subject of a violation of section 1 of this chapter**
 46 **may file a complaint with the department of labor. The complaint**
 47 **must be in the form and contain the information prescribed by the**

1 department of labor.
2 **Sec. 3. If the department of labor, after conducting a proceeding**
3 **under IC 4-21.5, determines that an employer has violated this**
4 **chapter, the department shall order the suspension of all tax**
5 **benefits from the state that the employer would otherwise be**
6 **eligible to receive under IC 6-3.1 for a period determined by the**
7 **department of labor that is not less than two (2) taxable years**
8 **beginning after the date of the determination.**
9 **Sec. 4. The department of labor shall provide the department of**
10 **state revenue and the Indiana economic development corporation**
11 **with a copy of a final order issued under section 3 of this chapter.**
12 **Sec. 5. This chapter does not limit the rights or remedies of an**
13 **applicant or prospective applicant for employment under any**
14 **other state or federal law."**
15 Renumber all SECTIONS consecutively.
(Reference is to ESB 12 as printed February 17, 2012.)

Representative Pelath