

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 815  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30402-LR-114 (04/02)

Short Title: Ban Use of Credit History in Hiring/Firing. (Public)

Sponsors: Representative Luebke.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE LABOR LAWS TO MAKE UNLAWFUL EMPLOYMENT  
3 DISCRIMINATION BASED UPON AN EMPLOYEE'S OR PROSPECTIVE  
4 EMPLOYEE'S CREDIT HISTORY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding  
7 a new section to read:

8 "**§ 95-28.1B. Unlawful employer inquiries into credit history.**

9 (a) It shall be an unlawful employment practice for any employer to refuse to hire or to  
10 bar or discharge from employment, or otherwise to discriminate against an individual in  
11 compensation or the terms, conditions, and privileges of employment because of the  
12 individual's credit history or credit report, unless the information in the individual's credit  
13 history or credit report directly relates to a bona fide occupational qualification.

14 (b) An inquiry into and consideration of a prospective employee's credit history or  
15 credit report may take place lawfully only after the prospective employee has received a  
16 conditional offer of employment, which may be withdrawn if information in the credit history  
17 or credit report is directly related to a bona fide occupational qualification.

18 (c) The prohibition against an employer's refusal to hire, to bar from employment, or to  
19 terminate from employment, or otherwise to discriminate on the basis of a credit history or  
20 credit report shall not apply to an employer that is:

21 (1) Expressly permitted or required to inquire into an individual's credit history  
22 for employment purposes pursuant to State or federal law.

23 (2) A financial institution in which deposits are insured by a federal agency  
24 having jurisdiction over the financial institution."

25 SECTION 2. G.S. 95-241(a) reads as rewritten:

26 "(a) No person shall discriminate or take any retaliatory action against an employee  
27 because the employee in good faith does or threatens to do any of the following:

28 (1) File a claim or complaint, initiate any inquiry, investigation, inspection,  
29 proceeding or other action, or testify or provide information to any person  
30 with respect to any of the following:

- 31 a. Chapter 97 of the General Statutes.
- 32 b. Article 2A or Article 16 of this Chapter.
- 33 c. Article 2A of Chapter 74 of the General Statutes.
- 34 d. G.S. 95-28.1.
- 35 e. Article 16 of Chapter 127A of the General Statutes.
- 36 f. G.S. 95-28.1A.



1                   g.     Article 52 of Chapter 143 of the General Statutes.

2                   h.     Article 5F of Chapter 90 of the General Statutes.

3                   i.     G.S. 95-28.1B."

4                   **SECTION 3.** This act becomes effective July 1, 2013, and applies to employers,  
5 employees, and prospective employees on and after that date.