



Sen. Don Harmon

Filed: 4/13/2017

10000SB0319sam001

LRB100 05104 JLS 24928 a

1 AMENDMENT TO SENATE BILL 319

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 319 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Employee Credit Privacy Act is amended by  
5 changing Sections 5 and 10 as follows:

6 (820 ILCS 70/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Bank" means any bank holding company, financial holding  
9 company, bank, savings bank, savings and loan association,  
10 credit union, or trust company, or any subsidiary or affiliate  
11 thereof, that is authorized to do business under the laws of  
12 this State or of the United States.

13 "Credit history" means an individual's past borrowing and  
14 repaying behavior, including paying bills on time and managing  
15 debt and other financial obligations.

16 "Credit report" means any written or other communication of

1 any information by a consumer reporting agency that bears on a  
2 consumer's creditworthiness, credit standing, credit capacity,  
3 or credit history.

4 "Employee" means an individual who receives compensation  
5 for performing services for an employer under an express or  
6 implied contract of hire.

7 "Employer" means an individual or entity that permits one  
8 or more individuals to work or that accepts applications for  
9 employment or is an agent of an employer. "Employer" does not,  
10 however, include:

11 ~~(1) Any bank holding company, financial holding~~  
12 ~~company, bank, savings bank, savings and loan association,~~  
13 ~~credit union, or trust company, or any subsidiary or~~  
14 ~~affiliate thereof, that is authorized to do business under~~  
15 ~~the laws of this State or of the United States.~~

16 ~~(2) Any company authorized to engage in any kind of~~  
17 ~~insurance or surety business pursuant to the Illinois~~  
18 ~~Insurance Code, including any employee, agent, or employee~~  
19 ~~of an agent acting on behalf of a company engaged in the~~  
20 ~~insurance or surety business.~~

21 (1) ~~(3)~~ Any State law enforcement or investigative  
22 unit, including, without limitation, any such unit within  
23 the Office of any Executive Inspector General, the  
24 Department of State Police, the Department of Corrections,  
25 the Department of Juvenile Justice, or the Department of  
26 Natural Resources.

1           (2) ~~(4)~~ Any State or local government agency which  
2 otherwise requires use of the employee's or applicant's  
3 credit history or credit report.

4           ~~(5) Any entity that is defined as a debt collector~~  
5 ~~under federal or State statute.~~

6           "Financial information" means non-public information on  
7 the overall financial direction of an organization, including,  
8 but not limited to, company taxes or profit and loss reports.

9           "Insurance company" means any company authorized to engage  
10 in any kind of insurance or surety business pursuant to the  
11 Illinois Insurance Code, including any employee, agent, or  
12 employee of an agent acting on behalf of a company engaged in  
13 the insurance or surety business.

14           "Marketable assets" means company property that is  
15 specially safeguarded from the public and to which access is  
16 only entrusted to managers and select other employees. For the  
17 purposes of this Act, marketable assets do not include the  
18 fixtures, furnishings, or equipment of an employer.

19           "Personal or confidential information" means sensitive  
20 information that a customer or client of the employing  
21 organization gives explicit authorization for the organization  
22 to obtain, process, and keep; that the employer entrusts only  
23 to managers and a select few employees; or that is stored in  
24 secure repositories not accessible by the public or low-level  
25 employees.

26           "State or national security information" means information

1 only offered to select employees because it may jeopardize the  
2 security of the State or the nation if it were entrusted to the  
3 general public.

4 "Trade secrets" means sensitive information regarding a  
5 company's overall strategy or business plans. This does not  
6 include general proprietary company information such as  
7 handbooks, policies, or low-level strategies.

8 (Source: P.A. 96-1426, eff. 1-1-11.)

9 (820 ILCS 70/10)

10 Sec. 10. Employment based on credit history or credit  
11 report not permitted.

12 (a) Except as provided in this Section, an employer shall  
13 not do any of the following:

14 (1) Fail or refuse to hire or recruit, discharge, or  
15 otherwise discriminate against an individual with respect  
16 to employment, compensation, or a term, condition, or  
17 privilege of employment because of the individual's credit  
18 history or credit report.

19 (2) Inquire about an applicant's or employee's credit  
20 history.

21 (3) Order or obtain an applicant's or employee's credit  
22 report from a consumer reporting agency.

23 (b) The prohibition in subsection (a) of this Section does  
24 not prevent an inquiry or employment action if a satisfactory  
25 credit history is an established bona fide occupational

1 requirement of a particular position or a particular group of  
2 an employer's employees. A satisfactory credit history is not a  
3 bona fide occupational requirement unless at least one of the  
4 following circumstances is present:

5 (1) State or federal law requires bonding or other  
6 security covering an individual holding the position.

7 (2) The duties of the position include custody of or  
8 unsupervised access to cash or marketable assets valued at  
9 \$2,500 or more.

10 (3) The duties of the position include signatory power  
11 over business assets of \$100 or more per transaction.

12 (4) (Blank). ~~The position is a managerial position~~  
13 ~~which involves setting the direction or control of the~~  
14 ~~business.~~

15 (5) The position involves access to personal or  
16 confidential information, financial information, trade  
17 secrets, or State or national security information.

18 (6) The position meets criteria in administrative  
19 rules, if any, that the U.S. Department of Labor or the  
20 Illinois Department of Labor has promulgated to establish  
21 the circumstances in which a credit history is a bona fide  
22 occupational requirement.

23 (7) The employee's or applicant's credit history is  
24 otherwise required by or exempt under federal or State law.

25 (c) A satisfactory credit history is a bona fide  
26 occupational requirement for employees of banks and insurance

1 companies who have access to information described in item (5)  
2 of subsection (b).  
3 (Source: P.A. 96-1426, eff. 1-1-11.)".