

CHAPTER 101

LABOR AND INDUSTRY

HOUSE BILL 97-1221

BY REPRESENTATIVES Young, Reeser, Schauer, Schwarz, Taylor, Agler, Allen, G. Berry, Epps, Grossman, and Lamborn;
also SENATORS Rizzuto and Perlmutter.

AN ACT

CONCERNING REMOVING DISINCENTIVES TO THE EXCHANGE OF RELEVANT INFORMATION IN THE
CONTEXT OF EMPLOYMENT REFERENCES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 8-2-111.5 (2), (3), and (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

8-2-111.5. Certain employment references - exception to blacklisting prohibition. (2) In response to a request by another bank, savings and loan association, credit card or travel and entertainment card company, industrial bank, trust company, credit union, or other state or federally chartered lending ~~institutions~~ INSTITUTION operating in Colorado, it shall not be unlawful nor a violation of the prohibitions against blacklisting specified in sections 8-2-110 and 8-2-111 for a bank, savings and loan association, credit card or travel and entertainment card company, industrial bank, trust company, credit union, or other state or federally chartered lending ~~institutions~~ INSTITUTION operating in Colorado, ~~to provide a written employment reference which advises of any involvement in a theft, embezzlement, misappropriation, or other defalcation by the subject for which the request for reference is made~~ WHEN ACTING IN GOOD FAITH, TO DISCLOSE ANY INFORMATION ABOUT ANY INVOLVEMENT IN A THEFT, EMBEZZLEMENT, MISAPPROPRIATION OR OTHER DEFALCATION BY AN EMPLOYEE OR FORMER EMPLOYEE.

(3) No bank, savings and loan association, credit card or travel and entertainment card company, industrial bank, trust company, credit union, or other state or federally chartered lending ~~institutions~~ INSTITUTION operating in Colorado or any officer, director, or employee thereof shall be civilly liable for providing such an employment reference upon request if the information ~~provided is true and the provision of such information is made with knowledge that it is true~~ IS PROVIDED IN GOOD FAITH.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5) ~~In order for the immunity from civil liability and the nonapplicability of the blacklisting prohibitions provided in this section to apply, a copy of the employment reference must be sent by the institution providing such reference to the last known address of the applicant for whom the reference is given. An individual who is the subject of such a reference may secure a copy of the employment reference without charge from the institution providing such reference by appearing in person and requesting such copy.~~ A BANK, SAVINGS AND LOAN ASSOCIATION, CREDIT CARD OR TRAVEL AND ENTERTAINMENT CARD COMPANY, INDUSTRIAL BANK, TRUST COMPANY, CREDIT UNION, OR OTHER STATE OR FEDERALLY CHARTERED LENDING INSTITUTION OPERATING IN COLORADO OR ANY OFFICER, DIRECTOR, OR EMPLOYEE THEREOF WHO DISCLOSES INFORMATION UNDER THIS SECTION SHALL BE PRESUMED TO BE ACTING IN GOOD FAITH UNLESS IT IS SHOWN BY A PREPONDERANCE OF THE EVIDENCE THAT THE INSTITUTION, OFFICER, DIRECTOR, OR EMPLOYEE INTENTIONALLY OR RECKLESSLY DISCLOSED FALSE INFORMATION ABOUT THE EMPLOYEE OR FORMER EMPLOYEE.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1997