

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1283

Short Title: Good Faith Immunity/Certain Employers. (Public)

Sponsors: Representative Blackwood.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Judiciary I.

April 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING TO EMPLOYERS IMMUNITY AGAINST CLAIMS ASSERTED BY  
3 PERSONS DISMISSED FROM EMPLOYMENT DUE TO THE PERSON'S LYING TO  
4 THE EMPLOYER IN A SWORN STATEMENT ABOUT SOCIAL SECURITY  
5 NUMBERS OR IMMIGRATION STATUS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 1 of the General Statutes is amended by adding a new Article  
8 to read:

9 "Article 43F.

10 "Other Immunity.

11 **"§ 1-539.27. Employer immunity in dismissal of employee for lying to employer about  
12 social security numbers or immigration status.**

13 (a) The following definitions apply in this section:

14 (1) Employee. – Any person who provides services or labor for an employer in  
15 this State in exchange for remuneration. The term does not include  
16 independent contractors.

17 (2) Employer. – Any person employing an employee.

18 (3) Federal work authorization program. – Any of the electronic verification of  
19 work authorization programs operated (i) by the U.S. Department of  
20 Homeland Security (Homeland Security) or any such equivalent program  
21 operated by Homeland Security to verify information of newly hired  
22 employees pursuant to the Immigration Reform and Control Act of 1986,  
23 Public Law 99-603 or (ii) pursuant to the federal E-Verify program  
24 described in section 401(b) of the Illegal Immigration Reform and  
25 Immigration Responsibility Act of 1996 (8 U.S.C. § 1324a note).

26 (4) Social security number verification service. – The program administered by  
27 the Social Security Administration to verify the social security numbers of  
28 workers, or any of its successor programs.

29 (b) An employer who in good faith dismisses an employee from employment because  
30 the employee lied to the employer in a sworn statement given in connection with the  
31 employee's contesting a tentative nonconformation from a federal work authorization program  
32 or social security number verification service is immune from civil liability and is not liable in  
33 civil damages, personally or otherwise, to the former employee for any damages arising out of  
34 the dismissal. This immunity shall not apply if the employer acted in bad faith.

35 (c) Immunity pursuant to this section is in addition to any other protections or rights of  
36 the employer under the law."



1           **SECTION 2.** This act becomes effective October 1, 2009, and applies to acts or  
2 omissions occurring on or after that date.