A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT PRIVATE PERSONNEL SERVICES, JOB LISTING SERVICES, AND INDIVIDUALS PROVIDE A NOTICE TO POTENTIAL CUSTOMERS CONCERNING IDENTITY THEFT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-47.4 is amended by adding a new subsection to read:

"(i) A private personnel service shall include on each contract, in a type size no smaller than nine point, directly above the place for the applicant's signature and any other statements required to be directly above the applicant's signature, a statement that reads as follows:

‘Protect Yourself From Identity Theft.

Be careful about what sensitive personal information you provide to a private personnel service. Sensitive personal information can be used to steal your identity and so it is a good idea to limit the amount and type of sensitive personal information you provide to a private personnel service to the bare minimum necessary to receive the services for which you are contracting.

North Carolina law currently provides certain protections for your sensitive personal information, including the following:

(1) Article 19C of Chapter 14 of the General Statutes makes it a felony for a person to obtain, possess, or use identifying information about you to fraudulently represent that that person is you for the purpose of making financial or credit transactions in your name, to obtain anything of value, or to avoid legal consequences.

(2) Article 19C of Chapter 14 of the General Statutes also prohibits the sale, purchase, or transfer of identifying information for the purpose of committing, or assisting in the commission of, any of the acts described in subdivision (1).

(3) G.S. 75-62 limits the ways in which businesses can solicit from you and use your Social Security Number.

(4) G.S. 75-63 allows you to place a security freeze on your credit report, which prevents credit reporting agencies from releasing your credit report to third
parties. This is designed to prevent credits, loans, and services, from being
approved in your name without your consent.

(5) G.S. 75-64 requires that businesses that maintain personal information about
residents of this State take reasonable steps to protect against unauthorized
access to that information after its disposal.

(6) G.S. 75-65 requires that businesses notify you if there has been a security
breach with respect to your personal information.

(7) G.S. 75-66 prohibits the disclosure of personal information by a person who
knows that you have previously objected to such a disclosure.

Despite the existence of these protections, your best defense against having your identity
stolen is to be careful about how you store and disseminate sensitive personal information."

SECTION 2. G.S. 95-47.25 reads as rewritten:

"§ 95-47.25. Contracts; contents; approval.
 (a) A contract between a job listing service and an applicant shall be in writing, labeled
as a contract, physically separate from any application form and made in duplicate, and shall
include:

(1) A clear explanation of the services provided and the amount of the fee;

(2) In a type size no smaller than nine point, a statement that reads "I understand
that ________ (name of job listing service) does not guarantee that I will
obtain employment through its services. I understand that ________ (name of
job listing service) does not refund fees for any reason," unless the job
listing service agrees in the contract to refund to the applicant any fee the
applicant paid to the job listing service if within three months of paying such
a fee the applicant has not accepted an employment position listed in a
publication of the job listing service;

(3) A statement that the job listing service is not a private personnel service or
employment agency, that no additional fee will be charged to the applicant
upon acceptance of employment and that the job listing service will not set
up interviews or otherwise arrange direct contacts between an employer and
the applicant; and

(4) A statement that the job listing service is licensed and regulated by the
Commissioner and the address at which a copy of regulations governing job
listing services may be obtained.

(b) A copy of each contract form to be used with applicants shall be filed with the
Commissioner. Until the job listing service receives written notification from the
Commissioner that the form conforms to the requirements of this Article and regulations
adopted hereunder, it shall not be used with applicants. A job listing service shall not accept a
fee from any applicant before the applicant has read and received a copy of the contract.

(c) A job listing service shall include on each contract, in a type size no smaller than
nine point, directly above the place for the applicant's signature and any other statements
required to be directly above the applicant's signature, a statement that reads as follows:

'Protect Yourself From Identity Theft.

Be careful about what sensitive personal information you provide to a job listing service.
Sensitive personal information can be used to steal your identity and so it is a good idea to limit
the amount and type of sensitive personal information you provide to a job listing service to the
bare minimum necessary to receive the services for which you are contracting.

North Carolina law currently provides certain protections for your sensitive personal
information, including the following:
Article 19C of Chapter 14 of the General Statutes makes it a felony for a person to obtain, possess, or use identifying information about you to fraudulently represent that that person is you for the purpose of making financial or credit transactions in your name, to obtain anything of value, or to avoid legal consequences.

Article 19C of Chapter 14 of the General Statutes also prohibits the sale, purchase, or transfer of identifying information for the purpose of committing, or assisting in the commission of, any of the acts described in subdivision (1).

G.S. 75-62 limits the ways in which businesses can solicit from you and use your Social Security Number.

G.S. 75-63 allows you to place a security freeze on your credit report, which prevents credit reporting agencies from releasing your credit report to third parties. This is designed to prevent credits, loans, and services, from being approved in your name without your consent.

G.S. 75-64 requires that businesses that maintain personal information about residents of this State take reasonable steps to protect against unauthorized access to that information after its disposal.

G.S. 75-65 requires that businesses notify you if there has been a security breach with respect to your personal information.

G.S. 75-66 prohibits the disclosure of personal information by a person who knows that you have previously objected to such a disclosure.

Despite the existence of these protections, your best defense against having your identity stolen is to be careful about how you store and disseminate sensitive personal information.

SECTION 3. Chapter 75 of the General Statutes is amended by adding a new section to read:

§ 75-67. Identity theft warning required prior to the provision of job placement assistance.

(a) A person shall not, for consideration, assist or offer to assist another in finding employment unless the person providing or offering to provide the assistance first provides the other with the following notice, in a type size no smaller than nine point:

'Protect Yourself From Identity Theft.

Be careful about what sensitive personal information you provide to a person you are paying to help you find employment. Sensitive personal information can be used to steal your identity and so it is a good idea to limit the amount and type of sensitive personal information you provide to such a person to the bare minimum necessary to receive the services you desire.

North Carolina law currently provides certain protections for your sensitive personal information, including the following:

(1) Article 19C of Chapter 14 of the General Statutes makes it a felony for a person to obtain, possess, or use identifying information about you to fraudulently represent that that person is you for the purpose of making financial or credit transactions in your name, to obtain anything of value, or to avoid legal consequences.

(2) Article 19C of Chapter 14 of the General Statutes also prohibits the sale, purchase, or transfer of identifying information for the purpose of committing, or assisting in the commission of, any of the acts described in subdivision (1).

(3) G.S. 75-62 limits the ways in which businesses can solicit from you and use your Social Security Number.
G.S. 75-63 allows you to place a security freeze on your credit report, which prevents credit reporting agencies from releasing your credit report to third parties. This is designed to prevent credits, loans, and services, from being approved in your name without your consent.

G.S. 75-64 requires that businesses that maintain personal information about residents of this State take reasonable steps to protect against unauthorized access to that information after its disposal.

G.S. 75-65 requires that businesses notify you if there has been a security breach with respect to your personal information.

G.S. 75-66 prohibits the disclosure of personal information by a person who knows that you have previously objected to such a disclosure.

Despite the existence of these protections, your best defense against having your identity stolen is to be careful about how you store and disseminate sensitive personal information.

This section does not apply to private personnel services, as that term is defined in G.S. 95-47.1, or to job listing services, as that term is defined in G.S. 95-47.19.

A violation of this section is a Class 3 misdemeanor.

SECTION 4. This act becomes effective October 1, 2009.