

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1265

Short Title: Identity Theft Warning/Employment Assistance. (Public)

Sponsors: Representatives Hall, Mackey, E. Floyd, Wainwright (Primary Sponsors); Adams, M. Alexander, Barnhart, Blust, Bordsen, Burris-Floyd, Dickson, Dockham, Farmer-Butterfield, Fisher, Goforth, Hughes, Jackson, Love, Lucas, Luebke, McLawhorn, Neumann, Setzer, Stewart, Stiller, Tolson, Tucker, E. Warren, Wilkins, Williams, and Wray.

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

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT PRIVATE PERSONNEL SERVICES, JOB LISTING
3 SERVICES, AND INDIVIDUALS PROVIDE A NOTICE TO POTENTIAL
4 CUSTOMERS CONCERNING IDENTITY THEFT.

5 The General Assembly of North Carolina enacts:

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

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

10
11 **'Protect Yourself From Identity Theft.'**
12

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

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

- 20 (1) Article 19C of Chapter 14 of the General Statutes makes it a felony for a
21 person to obtain, possess, or use identifying information about you to
22 fraudulently represent that that person is you for the purpose of making
23 financial or credit transactions in your name, to obtain anything of value, or
24 to avoid legal consequences.
25 (2) Article 19C of Chapter 14 of the General Statutes also prohibits the sale,
26 purchase, or transfer of identifying information for the purpose of
27 committing, or assisting in the commission of, any of the acts described in
28 subdivision (1).
29 (3) G.S. 75-62 limits the ways in which businesses can solicit from you and use
30 your Social Security Number.
31 (4) G.S. 75-63 allows you to place a security freeze on your credit report, which
32 prevents credit reporting agencies from releasing your credit report to third



1 parties. This is designed to prevent credits, loans, and services, from being
2 approved in your name without your consent.

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

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

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

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

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

13 **"§ 95-47.25. Contracts; contents; approval.**

14 (a) A contract between a job listing service and an applicant shall be in writing, labeled
15 as a contract, physically separate from any application form and made in duplicate, and shall
16 include:

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

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

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

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

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

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

42
43 **'Protect Yourself From Identity Theft.**
44

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

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

- 1 (4) G.S. 75-63 allows you to place a security freeze on your credit report, which
2 prevents credit reporting agencies from releasing your credit report to third
3 parties. This is designed to prevent credits, loans, and services, from being
4 approved in your name without your consent.
- 5 (5) G.S. 75-64 requires that businesses that maintain personal information about
6 residents of this State take reasonable steps to protect against unauthorized
7 access to that information after its disposal.
- 8 (6) G.S. 75-65 requires that businesses notify you if there has been a security
9 breach with respect to your personal information.
- 10 (7) G.S. 75-66 prohibits the disclosure of personal information by a person who
11 knows that you have previously objected to such a disclosure.

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

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

16 (c) A violation of this section is a Class 3 misdemeanor."

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