

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE ENROLLED ACT No. 1936

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AN ACT to amend the Indiana Code concerning labor and industrial safety.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 22-4-19-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6.5. (a) The department may make available through the enhanced electronic access system established by the intelenet commission under IC 5-21 secure electronic access for creditors to employer provided information on the amount of wages paid by an employer to an employee.**

**(b) The enhanced electronic access system established by the intelenet commission under IC 5-21 may enter into a contract with one (1) or more private entities to allow private entities to provide secure electronic access to employer provided information held by the department on the amount of wages paid by an employer to an employee.**

**(c) A creditor may obtain wage report information from a private entity if the creditor first obtains written consent from the employee whose information the creditor seeks to obtain. A creditor that has entered into a contract with the enhanced electronic access system must retain a written consent received under this section for at least three (3) years or for the length of the loan if the loan is for less than three (3) years.**

**(d) Written consent from the employee must include the following:**

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**(1) A statement that the written consent is the authorization for the creditor to obtain information on the employee's employment and wage history.**

**(2) A statement that the information is obtained solely for the purpose of reviewing a specific application for credit.**

**(3) Notification that state agency files containing employment and wage history will be accessed to provide the information.**

**(4) A listing of all parties that will receive the information obtained.**

**(e) Information under this section may only be released to a creditor for the purpose of satisfying the standard underwriting requirements of the creditor or a client of the creditor for one (1) credit transaction per employee written consent.**

**(f) The costs of implementing and administering the release of information must be paid by the private entity or entities that contract with the enhanced electronic access system established by the intelenet commission under IC 5-21.**

**(g) For employee information under this section, a private entity that enters a contract with the enhanced electronic access system established by the intelenet commission under IC 5-21 for release of employee information must comply with:**

**(1) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);**

**(2) all state and federal privacy laws; and**

**(3) the rules regarding the release of information adopted by the United States Department of Labor.**

**(h) A private entity that has entered into a contract with the enhanced electronic access system under subsection (b) must maintain a consent verification system that audits at least five percent (5%) of daily transactions and must maintain a file of audit procedures and results.**

**(i) A person who violates this section commits a Class A infraction.**

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