

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H1/24/97 H3/4/97

A Bill

HOUSE BILL 1069

5 By: Representative Young, and Sheppard
6 By: Senator Mahony

For An Act To Be Entitled

10 "AN ACT TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO
11 CURRENT OR FORMER EMPLOYERS PROVIDING JOB PERFORMANCE
12 INFORMATION TO PROSPECTIVE EMPLOYERS OF CURRENT OR FORMER
13 EMPLOYEES; AND FOR OTHER PURPOSES."

Subtitle

16 "TO PROVIDE IMMUNITY FROM CIVIL
17 LIABILITY TO CURRENT OR FORMER EMPLOYERS
18 PROVIDING JOB PERFORMANCE INFORMATION TO
19 PROSPECTIVE EMPLOYERS OF CURRENT OR
20 FORMER EMPLOYEES"

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. (a) A current or former employer may disclose information
25 about a current or former employees job performance to a prospective employer
26 of the current or former employee upon request of the prospective employer
27 with the written consent of the current or former employee. The current or
28 former employer is presumed to be acting in good faith, unless a lack of good
29 faith is shown by a preponderance of the evidence. The current or former
30 employer shall be immune from civil liability for the disclosure or any
31 consequences of such disclosure unless the presumption of good faith is
32 rebutted upon a showing that the information disclosed by the current or
33 former employer was false and the current or former employer providing the
34 information had knowledge of its falsity or acted with malice or reckless
35 disregard for the truth.

36 (b) The provisions of this section shall apply to any employee, agent,

1 or other representative of the current or former employer who is authorized in
2 writing by a current or former employee to provide and who provides
3 information in accordance with the provisions of this section.

4 (c) Failure to comply with any provision of this section shall not give
5 rise to any liability or causes of action which did not exist prior to the
6 effective date of this act. This section shall only apply to causes of action
7 accruing on and after the effective date of this act.

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9 SECTION 2. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 3. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 4. All laws and parts of laws in conflict with this act are
20 hereby repealed.

21 /s/Rep. Young, et al
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