

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 264

Short Title: Liability for Job References.

(Public)

Sponsors: Senators Horton; Albertson, Blust, Carpenter, Carrington, Clark, Cochrane, Dalton, Forrester, Garwood, Hoyle, Jenkins, Kerr, Ledbetter, Martin of Pitt, McDaniel, Odom, Rand, Rucho, Soles, Weinstein, and Wellons.

Referred to: Judiciary.

February 27, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LIMITED LIABILITY TO EMPLOYERS WHO DISCLOSE
INFORMATION ABOUT AN EMPLOYEE WHEN THE EMPLOYER IS
PROVIDING A REFERENCE.

The General Assembly of North Carolina enacts:

Section 1. Article 43B of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-539.12. Immunity from civil liability for employers disclosing information.

(a) An employer who discloses information about a current or former employee's job performance to a prospective employer of the current or former employee upon request of the prospective employer or upon request of the current or former employee is presumed to be acting in good faith and is not liable in civil damages for the disclosure or any consequences of the disclosure. The presumption of good faith may be rebutted upon a showing of, by a preponderance of the evidence, both of the following:

(1) The information disclosed by the current or former employer was false.

(2) The employer providing the information had knowledge of its falsity or acted with malice or reckless disregard for the truth.

1 **(b)** The provisions of this section apply to any employee, agent, or other
2 representative of the current or former employer who is authorized to provide and who
3 provides information in accordance with the provisions of this section.

4 **(c)** This section does not affect any privileges or immunities from civil liability
5 established by another section of the General Statutes or available at common law."

6 Section 2. This act is effective when it becomes law and applies only to causes
7 of action arising on or after that date.