

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50399-MD-54 (2/10)

Short Title: Identity Theft Warning/Employment Assistance.

(Public)

Sponsors: Representative Hall.

Referred to:

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



- 1           (5)    G.S. 75-64 requires that businesses that maintain personal information about  
2           residents of this State take reasonable steps to protect against unauthorized  
3           access to that information after its disposal.  
4           (6)    G.S. 75-65 requires that businesses notify you if there has been a security  
5           breach with respect to your personal information.  
6           (7)    G.S. 75-66 prohibits the disclosure of personal information by a person who  
7           knows that you have previously objected to such a disclosure.

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

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

11           **"§ 95-47.25. Contracts; contents; approval.**

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

- 15           (1)    A clear explanation of the services provided and the amount of the fee;  
16           (2)    In a type size no smaller than nine point, a statement that reads "I understand  
17           that \_\_\_\_\_ (name of job listing service) does not guarantee that I will  
18           obtain employment through its services. I understand that \_\_\_\_\_ (name of  
19           job listing service) does not refund fees for any reason," unless the job  
20           listing service agrees in the contract to refund to the applicant any fee the  
21           applicant paid to the job listing service if within three months of paying such  
22           a fee the applicant has not accepted an employment position listed in a  
23           publication of the job listing service;  
24           (3)    A statement that the job listing service is not a private personnel service or  
25           employment agency, that no additional fee will be charged to the applicant  
26           upon acceptance of employment and that the job listing service will not set  
27           up interviews or otherwise arrange direct contacts between an employer and  
28           the applicant; and  
29           (4)    A statement that the job listing service is licensed and regulated by the  
30           Commissioner and the address at which a copy of regulations governing job  
31           listing services may be obtained.

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

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

41                           **'Protect Yourself From Identity Theft.**

42  
43           Be careful about what sensitive personal information you provide to a job listing service.  
44 Sensitive personal information can be used to steal your identity and so it is a good idea to limit  
45 the amount and type of sensitive personal information you provide to a job listing service to the  
46 bare minimum necessary to receive the services for which you are contracting.

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

- 49           (1)    Article 19C of Chapter 14 of the General Statutes makes it a felony for a  
50           person to obtain, possess, or use identifying information about you to  
51           fraudulently represent that that person is you for the purpose of making

1 financial or credit transactions in your name, to obtain anything of value, or  
2 to avoid legal consequences.

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

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

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

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

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

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

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

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

24 **"§ 75-67. Identity theft warning required prior to the provision of job placement**  
25 **assistance.**

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

29  
30 **'Protect Yourself From Identity Theft.**

31  
32 Be careful about what sensitive personal information you provide to a person you are  
33 paying to help you find employment. Sensitive personal information can be used to steal your  
34 identity and so it is a good idea to limit the amount and type of sensitive personal information  
35 you provide to such a person to the bare minimum necessary to receive the services you desire.

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

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

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

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

49 (4) G.S. 75-63 allows you to place a security freeze on your credit report, which  
50 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                  (b)    This section does not apply to private personnel services, as that term is defined in
- 13                  G.S. 95-47.1, or to job listing services, as that term is defined in G.S. 95-47.19.
- 14                  (c)    A violation of this section is a Class 3 misdemeanor."
- 15                  **SECTION 4.** This act becomes effective October 1, 2009.