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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1684**

March 12, 2009

Authored by Holberg

The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to consumer reports; requiring notice and copy of background check;
1.3 defining terms; amending Minnesota Statutes 2008, section 13C.001, by adding
1.4 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 13C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 13C.001, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 1a. **Background check.** "Background check" means a review of data and
1.9 information maintained by government entities to determine whether a data subject
1.10 qualifies to obtain housing or perform a job. A background check is not a consumer report.

1.11 Sec. 2. Minnesota Statutes 2008, section 13C.001, is amended by adding a subdivision
1.12 to read:

1.13 Subd. 1b. **Business screening service.** "Business screening service" means a person
1.14 regularly engaged in the business of collecting, assembling, evaluating, or disseminating
1.15 criminal record information on individuals for a fee. Business screening service does not
1.16 include a government entity, as defined in section 13.02, or the news media. A business
1.17 screening service is not a consumer reporting agency.

1.18 Sec. 3. Minnesota Statutes 2008, section 13C.001, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 3a. **Data subject.** "Data subject" means the individual human being about
1.21 whom a background check is conducted.

2.1 Sec. 4. Minnesota Statutes 2008, section 13C.001, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 5a. **Inquirer.** "Inquirer" means the person requesting a background check.

2.4 Sec. 5. Minnesota Statutes 2008, section 13C.001, is amended by adding a subdivision
2.5 to read:

2.6 Subd. 7. **Results.** "Results" means the data reviewed to perform the background
2.7 check.

2.8 Sec. 6. **[13C.05] BACKGROUND CHECKS; NOTICE AND COPY TO DATA**
2.9 **SUBJECT.**

2.10 (a) Prior to initiating a background check, an inquirer must give the data subject
2.11 written notice that a background check will be performed and, if a business screening
2.12 service is utilized, the name and address of that business screening service. The notice
2.13 must also describe the process for obtaining a written copy of the results from the inquirer.
2.14 The inquirer must provide a written copy of the results to the data subject upon request.
2.15 The inquirer may not charge a fee for the copy.

2.16 (b) This section does not apply to public employers regulated under chapter 364.