**A** **BILL**

TO AMEND SECTION 1‑13‑80 OF THE 1976 CODE, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES, TO PROVIDE THAT IT IS AN UNLAWFUL EMPLOYMENT PRACTICE FOR AN EMPLOYER TO USING AN INDIVIDUAL’S CREDIT REPORT OR CREDIT HISTORY AS THE BASIS TO FAIL OR REFUSE TO HIRE, BAR, DISCHARGE FROM EMPLOYMENT OR OTHERWISE DISCRIMINATE AGAINST AN INDIVIDUAL WITH RESPECT TO THE INDIVIDUAL’S COMPENSATION OR TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT, AND PROVIDE THAT IT IS NOT AN UNLAWFUL EMPLOYMENT PRACTICE FOR AN EMPLOYER TO CONSIDER AN INDIVIDUAL’S CREDIT HISTORY UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1‑13‑80(A) of the 1976 Code is amended to read:

“(A) It is an unlawful employment practice for an employer:

(1) to fail or refuse to hire, bar, discharge from employment or otherwise discriminate against an individual with respect to the individual’s compensation or terms, conditions, or privileges of employment because of the individual’s race, religion, color, sex, age, national origin, or disability;

(2) to fail or refuse to hire, bar, discharge from employment or otherwise discriminate against an individual because of the individual’s credit history or credit report, unless the information in the credit history or credit report directly relates to a bona fide occupation qualification reasonably necessary to the normal operation of that business or enterprise;

~~(2)~~(3) to limit, segregate, or classify employees or applicants for employment in a way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect the individual’s status as an employee, because of the individual’s race, color, religion, sex, age, national origin, or disability;

~~(3)~~(4) to reduce the wage rate of an employee in order to comply with the provisions of this chapter relating to age.”

SECTION 2. Section 1‑13‑80(I) of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) It is not an unlawful employment practice for an employer:

(i) to consider an individual’s credit history or credit report after a conditional offer of employment, which may be withdrawn if information in the credit history or credit report is directly related to a bona fide occupation qualification reasonably necessary to the normal operation of that business or enterprise; or

(ii) to fail or refuse to hire, bar, discharge from employment or otherwise discriminate against an individual because of the individual’s credit history or credit report if the employer is a financial institution or is required by state or federal law to inquire into an individual’s credit history for employment purposes.”

SECTION 3. This act takes effect upon approval by the Governor.

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