

**PROPOSED AMENDMENTS TO
HOUSE BILL 2654**

1 On page 1 of the printed bill, line 6, delete “Require, request, suggest or
2 cause” and insert “Require or request”.

3 In line 7, after “applicant’s” delete the rest of the line and insert “user
4 name and password, password or other means of authentication that provides
5 access”.

6 In line 20, after “any” delete the rest of the line and insert “user name
7 and password, password or other”.

8 In line 21, after “accessing” delete the rest of the line and insert “an ac-
9 count provided by, or on behalf of, the employer or to be used on behalf of
10 the employer.”.

11 Delete line 22 and insert:

12 “(3) An employer may not be held liable for the failure to request or re-
13 quire an employee or applicant to disclose the information specified in sub-
14 section (1)(a) of this section.

15 “(4) Nothing in this section prevents an employer from:

16 “(a) Conducting an investigation for the purpose of ensuring compliance
17 with applicable laws, regulatory requirements or prohibitions against work-
18 related employee misconduct based on receipt by the employer of specific
19 information about activity of the employee on a personal online account or
20 service.

21 “(b) Conducting an investigation permitted under this subsection that re-
22 quires an employee, without providing a user name and password, password

1 or other means of authentication, to share content that has been reported
2 to the employer that is necessary for the employer to make a factual deter-
3 mination about the matter.

4 “(c) Monitoring, reviewing, accessing or blocking access to electronic
5 data stored on an electronic communication device provided by the employer
6 or traveling through or stored on the employer’s network, if the monitoring,
7 reviewing, accessing or blocking access to electronic data is done in com-
8 pliance with state and federal law.

9 “(d) Complying with state and federal law, rules or regulations and with
10 the rules of self-regulatory organizations.

11 “(5) Nothing in this section prohibits an employer from accessing infor-
12 mation available to the public about the employee or applicant that is ac-
13 cessible through an online account.”.

14 In line 23. delete “(3)” and insert “(6)”.

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