

1998 SESSION

INTRODUCED

984322446

HOUSE BILL NO. 907

Offered January 26, 1998

A BILL to amend the Code of Virginia by adding a section numbered 8.01-46.1, relating to defamation; immunity; exception.

Patrons—Sherwood, Albo, Bryant, Byron, Davis, Drake, Dudley, Griffith, Harris, Howell, Katzen, Landes, May, Nixon, O'Brien, Orrock, Purkey, Rollison, Ruff, Tata and Weatherholtz; Senators: Hanger and Potts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-46.1 as follows:

§ 8.01-46.1. Employer references; immunity.

Any employer of another, or any employee, agent or other representative of such employer, who, in good faith, provides information about the job performance, professional conduct or evaluation of a former or current employee to a prospective employer of that employee, at the request of the prospective employer of that employee, shall be immune from civil liability arising out of the disclosure unless it is shown by clear and convincing evidence that the employer disclosed the information with (I) reckless disregard for its veracity, (ii) knowledge that it was false or (iii) intent to mislead.

In a civil action brought against an employer for words written or spoken relating to the job performance or conduct of a current or former employee, attorney's fees may be awarded to any employer who prevails.

2. That the provisions of this act shall apply to any cause of action accruing on or after July 1, 1998.

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HB907