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The Public Record Update

July 2018

The Public Record Research industry along with State and Local laws across the U.S. are ever evolving and can be challenging to keep up with. As we press on into the second half of 2018, we'll recap some notable events that have occurred so far this year including on-going challenges and some upcoming changes that may affect your area.

Effective This Year in Employment Law

Salary History Laws Went into Effect in Two States

- On January 1, 2018 the California Salary History Disclosure law went into effect. Henceforth, employers are prohibited from obtaining an applicant's salary history. However, an applicant MAY request the pay scale range for the position they are applying for and the employer must provide. Refer to [Section 432.3](#) of the California Labor Code for more details about this law.
- Effective July 1, 2018 Vermont passed [HB294](#) that prohibits employers from obtaining and using past salary history.

The State of Washington Passed Two Laws Effective on June 7, 2018

- The first was HB 1298 that added the State of Washington to the growing list of states that have Ban-The-Box laws. Note that this state law doesn't outweigh city and county restrictions within the state that have stricter laws but does overrule the less restrictive ones. For complete bill information visit the following link that takes you to the Washington State Legislature site, <http://apps2.leg.wa.gov/billssummary?BillNumber=1298&Year=2017&BillNumber=1298&Year=2017>.
- The second was [HB1506](#) regarding Wage Discrimination. The law says that any employer in the state who discriminates in providing compensation based on gender between similarly employed individuals is guilty of a misdemeanor. It goes on to say that if any employee receives less compensation because of gender discrimination in violation of this law, the employee maybe

entitled to compensation for damages. Please review the bill for complete details associated with this law.

Upcoming Changes to Employment Laws

Ban-The-Box in the City of San Francisco

On October 1, 2018, amendments made to the Ban-The-Box law for the City of San Francisco will go into effect. The changes will affect employers of more than 5 employers and landlords of affordable housing/units. There are many changes, for complete information see Article 49 of the San Francisco Police Code [§4901-4919](#).

On-going Challenges For Local Onsite Access to Court Records

Bibb County State Court Implements Verification Fees

Effective immediately, the Deputy Clerks in the State Court of Bibb County Georgia are charging a fee to verify a subject's date of birth and/or last four digits of social security number. The fee is \$3.00 per name, per case number. The court does have a public access computer, but verifiers are not present. This leaves researchers at the mercy of the court to verify records as needed. Note that in previous years the clerks performed these requests for free as a courtesy. Per the courts' website, "*The practice of verifying Dates of Birth for background researchers without charge is discontinued. Deputy Clerks will verify Dates of Birth contained in criminal records and/or confirm the last four digits of Social Security Numbers for a fee.*" The site goes on to say that these requests must be submitted in writing and that there is no guarantee when they will be completed as they are secondary to the performance of the Deputy Clerk's assigned duties. For more information about the implementation of these fees, visit the courts' web page at

<http://www.maconbibb.us/wp-content/uploads/2018/06/Fees-for-Verification-of-Information-and-for-Copies.pdf>

Arkansas District Courts Now Requiring a Written Affidavit

Beginning in March of this year various Arkansas District courts began refusing to perform Criminal Record searches for the public without the completion of their form, 'Request for Compiled Information Affidavit'. Even after completing the required form, it is at the court's discretion as to whether they approve the request. The Court's reasoning for this change stems from their interpretation of Administrative [Order 19](#), where it states "A Request for bulk distribution or **compiled information** stored on computers maintained by the Administrative Office of the Courts (AOC) shall be made in writing on the form provided to the Director of the AOC or other designee of the Arkansas Supreme Court." The section of the Order 19 that addresses the need for a written affidavit can be found in **Section VI (b)(5)**. To be clear, this issue does not affect all District Courts in Arkansas, only courts where a clerk assisted search is required and the court administration has deemed this Order applicable. Some but not all District Courts in the following counties have adopted this procedure for their court: Benton, Cleburne and Craighead. Local researchers, screening companies and all-around advocates of the public's right to this information are doing all that they can to regain access to this information without the completion of a written affidavit.

Motor Vehicle News

Tennessee to Reinstate Thousands of Driver's Licenses

On July 2, 2018 the U.S. District Court of Middle Tennessee ordered the Tennessee's Commissioner to cease all revocations of driver's licenses for nonpayment of court debt pursuant to Tennessee Code [§ 40-24-105\(b\)](#). Additionally, it was ordered that the courts could not withhold the reinstatement of the driver's license of any person whose license was revoked previously, based solely on his/her failure to pay court debt or related reinstatement fees. This ruling came as a result of Federal Court Case No. 3:17-cv-00005 , Thomas vs. Haslam. In the final order of the case, handed down by Judge Trauger, it states that the Tenn. Code Ann. § 40-24-105(b), as written, violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution because it provides for no exception from revocation for debtors whose failure to pay is based solely on their indigence. The original law enabling the courts to revoke driver's licenses when non-payment status had reached 1 year, was enacted on July 1, 2012. In the following 4 years, there were over 146,000 revoked driver's licenses. With this new ruling, it is expected that thousands of Tennessee residents will be back on the roads soon.

Third Gender Option Coming Soon to California Driver's Licenses

The driver's license portion of [SB-179](#) will go into effect on January 1, 2019. This bill will amend Vehicle Code 12800 to include that all applicants applying for an original driver's license or renewing a license shall choose their gender category of female, male or non-binary. With this bill, the previous requirement of a physician's statement and a mandatory court hearing for a gender change petition has been removed. Similar laws have passed in Oregon and Washington D.C. with the use of a non-binary "X" gender marker on state IDs and driver's licenses. Washington D.C. was the first in the U.S. to implement this law, which went into effect in June of 2017. In addition to driver's licenses, all states mentioned have also passed laws allowing the amendment of birth certificates to allow for a non-binary choice without a medical certification. Applicants, however, do have to provide a notarized affidavit attesting, under penalty of perjury, that the request for change of gender is to conform their legal gender to their gender identity and not for any fraudulent purpose.

Door Prizes for State Trade Association Events

If you are involved with an upcoming event for an investigative or legal state organization and would like a donation of door prizes, please contact Kimberly Sparger at kimberly@brbpublications.com. Be sure to include the name of the group, the date and the number of attendees.

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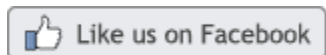
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