

Chapter 47 Private Employer Verification Act

Part 1 General Provisions

(Contingently Repealed)

13-47-101 Title.

This chapter is known as the "Private Employer Verification Act."

Enacted by Chapter 403, 2010 General Session

(Contingently Repealed)

13-47-102 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Commerce.
- (2) "Employee" means an individual:
 - (a) who is hired to perform services in Utah; and
 - (b) to whom a private employer provides a federal form required for federal taxation purposes to report income paid to the individual for the services performed.
- (3)
 - (a) Except as provided in Subsection (3)(b), "private employer" means a person who for federal taxation purposes is required to provide a federal form:
 - (i) to an individual who performs services for the person in Utah; and
 - (ii) to report income paid to the individual who performs the services.
 - (b) "Private employer" does not mean a public employer as defined in Section 63G-12-102.
- (4)
 - (a) "Status verification system" means an electronic system operated by the federal government, through which an employer may inquire to verify the federal legal working status of an individual who is a newly hired employee.
 - (b) "Status verification system" includes:
 - (i) the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Sec. 1324a;
 - (ii) a federal program equivalent to the program described in Subsection (4)(b)(i) that is designated by the United States Department of Homeland Security or other federal agency authorized to verify the employment eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986;
 - (iii) the Social Security Number Verification Service or similar online verification process implemented by the United States Social Security Administration; or
 - (iv) an independent third-party system with an equal or higher degree of reliability as the programs, systems, or processes described in Subsection (4)(b)(i), (ii), or (iii).

Amended by Chapter 189, 2014 General Session

(Contingently Repealed)

13-47-103 Scope of chapter.

A private employer shall comply with this chapter, and this chapter shall be enforced without regard to race, color, national origin, gender, religion, age, disability, familial status, or source of income.

Enacted by Chapter 403, 2010 General Session

Part 2 Verification by Private Employer

(Contingently Repealed)

13-47-201 Verification required for new hires.

- (1) A private employer who employs 15 or more employees on or after July 1, 2010, may not hire a new employee on or after July 1, 2010, unless the private employer:
 - (a) is registered with a status verification system to verify the federal legal working status of any new employee; and
 - (b) uses the status verification system to verify the federal legal working status of the new employee in accordance with the requirements of the status verification system.
- (2) This section does not apply to a private employer of a foreign national if the foreign national holds a visa issued in response to a petition by the private employer that is classified as H-2A or H-2B.

Amended by Chapter 189, 2014 General Session

(Contingently Repealed)

13-47-202 Liability protections.

- (1) A private employer may not be held civilly liable under state law in a cause of action for the private employer's unlawful hiring of an unauthorized alien, as defined in 8 U.S.C. Sec. 1324a, if:
 - (a) the private employer complies with Section 13-47-201; and
 - (b) the information obtained in accordance with the status verification system indicated that the employee's federal legal status allowed the private employer to hire the employee.
- (2) A private employer may not be held civilly liable under state law in a cause of action for the private employer's refusal to hire an individual if:
 - (a) the private employer complies with Section 13-47-201; and
 - (b) the information obtained in accordance with the status system verification indicated that the individual's federal legal status was that of an unauthorized alien as defined in 8 U.S.C. Sec. 1324a.

Enacted by Chapter 403, 2010 General Session

(Contingently Repealed)

13-47-203 Voluntary registration by private employer certifying participation in verification.

- (1)
 - (a) A private employer may register with the department certifying that the private employer is in compliance with Section 13-47-201.

- (b) A private employer may register with the department under this section regardless of whether the private employer is required to comply with Section 13-47-201.
- (2) To register or renew a registration with the department under this part, a private employer shall:
 - (a) file a registration statement with the department that certifies compliance with Section 13-47-201; and
 - (b) pay a fee established by the department in accordance Section 63J-1-504 that reflects the cost of registering employers under this section and publishing the list described in Section 13-47-204.
- (3) A registration under this part expires every two years on the anniversary of the day on which the registration is filed with the department.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to provide for:
 - (a) the form of a registration statement under this section;
 - (b) the process of filing a registration statement under this section; and
 - (c) the process of renewing a registration statement under this section.

Enacted by Chapter 403, 2010 General Session

(Contingently Repealed)

13-47-204 Department to publish list of registered private employers.

On and after July 1, 2010, the department shall publish electronically a list of private employers who register under Section 13-47-203 on a website accessible to the general public without a charge.

Enacted by Chapter 403, 2010 General Session