

SECOND REGULAR SESSION

SENATE BILL NO. 533

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS WIGGINS, STEELMAN, BANKS, MAXWELL,
CLAY AND SCHNEIDER.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

2321S.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 213.111, RSMo Supp. 1999, relating to certain civil actions for discrimination, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 213.111, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 213.111, to read as follows:

213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065 or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 or 213.065, or subdivision (3) of section 213.070 as it relates to employment and public accommodations, the commission has not completed its administrative processing and the person aggrieved so requests in writing, **or when the commission has terminated its administrative processing of a complaint**, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. If, after the filing of a complaint pursuant to sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of section 213.070 as it relates to housing, and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the

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complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the issuance of a notice **[under] pursuant to** this section relating to the same practice or act. Any action brought in court **[under] pursuant to** this section shall be filed within ninety days from the date of the commission's notification letter to the individual but no later than two years after the alleged cause occurred or its reasonable discovery by the alleged injured party. **If any action is commenced within the times prescribed by this section, section 516.230, RSMo, shall apply to the action. Such action shall be tried before a jury if a trial by jury is requested by either party.**

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded court costs and reasonable attorney fees only upon a showing that the case is without foundation.

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