

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE NO. 2 FOR

# SENATE BILL NO. 19

99TH GENERAL ASSEMBLY

2017

0269S.05T

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## AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

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

Section A. Chapter 290, RSMo, is amended by adding thereto one new  
2 section, to be known as section 290.590, to read as follows:

**290.590. 1. As used in this section, the following terms shall  
2 mean:**

3       **(1) "Employer", any individual, organization, partnership, state  
4 agency, political subdivision, corporation, or other legal entity which  
5 employs or has employed one or more individuals performing services  
6 for the entity within this state; and**

7       **(2) "Labor organization", any organization of any kind or agency,  
8 or employee representation committee or union which exists for the  
9 purpose in whole or in part of dealing with employers concerning  
10 wages, rates of pay, hours of work, other conditions of employment, or  
11 other forms of compensation.**

12       **2. No person shall be required as a condition or continuation of  
13 employment to:**

14       **(1) Become, remain, or refrain from becoming a member of a  
15 labor organization;**

16       **(2) Pay any dues, fees, assessments, or other similar charges  
17 however denominated of any kind or amount to a labor organization;  
18 or**

19       **(3) In lieu of the payments listed under subdivision (2) of this  
20 subsection, pay to any charity or other third party any amount  
21 equivalent to, or on a pro rata basis, any dues, fees, assessments, or  
22 other charges required of members of a labor organization.**

23       **3. Any agreement, understanding, or practice, written or oral,  
24 implied or expressed, between any labor organization and employer**

25 that violates the rights of employees as guaranteed under this section  
26 is unlawful, null and void, and of no legal effect.

27 4. Any person who violates or directs another to violate any  
28 provision of this section shall be guilty of a class C misdemeanor.

29 5. (1) Any person injured as a result of any violation or  
30 threatened violation of this section shall be entitled to injunctive relief  
31 against any and all violators or persons threatening violations.

32 (2) Any person injured as a result of any violation or threatened  
33 violation of this section may recover any and all damages of any  
34 character resulting from such violation or threatened violation  
35 including costs and reasonable attorney fees. Such remedies shall be  
36 independent of and in addition to the other penalties and remedies  
37 prescribed under this section.

38 6. The prosecuting attorney or circuit attorney with jurisdiction  
39 over the location where a violation or threatened violation of this  
40 section occurs or the attorney general of this state shall investigate  
41 complaints of violation or threatened violation of this section,  
42 prosecute any person violating this section, and use all means at their  
43 command to ensure the effective enforcement of this section.

44 7. This section shall not apply:

45 (1) To employers and employees covered by the federal Railway  
46 Labor Act;

47 (2) To federal employers and employees;

48 (3) To employers and employees on exclusive federal enclaves;

49 (4) Where this section conflicts with or is preempted by federal  
50 law; or

51 (5) To any agreement between an employer and a labor  
52 organization entered into before the effective date of this section but  
53 shall apply to any such agreement upon its renewal, extension,  
54 amendment, or modification in any respect after the effective date of  
55 this section.

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