

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 209

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to the use of credit reports by employers.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be known as section 285.070, to read as follows:

285.070. 1. As used in this section, the following terms shall mean:

(1) "Employee", any person employed by an employer;

(2) "Employer", any person acting directly or indirectly in the interest of an employer in relation to an employee who has one or more employees, including the state or any political subdivision of the state.

2. No employer or employer's agent, representative, or designee shall require an employee or prospective employee to consent to a request for a credit report that contains information about the employee's or prospective employee's credit score, credit account balances, payment history, savings or checking account balances, or savings or checking account numbers as a condition of employment unless the report is required by law.

3. An employee or prospective employee may file a complaint

with the department of labor and industrial relations alleging a violation of this section. Within thirty days after the filing of such complaint, the department shall conduct an investigation and shall render its findings. Should the findings warrant, the department shall hold a hearing to determine if a violation has occurred.

4. This section shall not apply to an employer that is engaged in the practice of public accounting or that is a financial institution with respect to any employee or prospective employee whose primary employment duties are related to handling the financial assets of such employer. For purposes of this section, the term "financial institution" shall mean any entity or affiliate of a state bank and trust company, national banking association, state or federally chartered savings bank, state or federally chartered savings and loan association, state or federally chartered credit union, insurance company, investment advisor, broker-dealer, or an entity registered with the securities and exchange commission.

5. Notwithstanding subsection 2 of this section to the contrary, an employer may conduct a soft credit inquiry on any employee or prospective employee.