

FIRST REGULAR SESSION

SENATE BILL NO. 38

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0221S.01I

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to the employer-employee relationship.

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
2 section, to be known as section 285.075, to read as follows:

**285.075. 1. Notwithstanding any voluntary agreement entered
2 into between the United States Department of Labor and a franchisee
3 or a franchisor, neither a franchisee nor a franchisee's employee shall
4 be deemed to be an employee of the franchisor for any purpose, unless
5 the franchisor exercises direct and immediate control over the
6 franchisee. Such control shall be found only when the franchisor
7 exercises direct and immediate control over the hiring, termination,
8 discipline, and direction of the franchisee's employees.**

9 **2. For purposes of this section, the terms "franchisee" and
10 "franchisor" shall have the same meaning as in 16 C.F.R. 436.1.**

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