

FIRST REGULAR SESSION

SENATE BILL NO. 356

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

1029S.011

ADRIANE D. CROUSE, Secretary

AN ACT

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

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

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

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

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

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

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

16 3. An employee or prospective employee may file a
17 complaint with the department of labor and industrial
18 relations alleging a violation of this section. Within

19 thirty days after the filing of such complaint, the
20 department shall conduct an investigation and shall render
21 its findings. Should the findings warrant, the department
22 shall hold a hearing to determine if a violation has
23 occurred.

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

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

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