

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 38

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:

1 Section A. Chapter 285, RSMo, is amended by adding thereto
2 one new section, to be known as section 285.075, to read as
3 follows:

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

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