

SENATE AMENDMENT NO. _____

TO

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SA to SS/Senate Bill No. 94, Page 14, Section 213.101, Line 438,

2 by inserting after all of said line the following:

3 "213.111. 1. If, after one hundred eighty days from
4 the filing of a complaint alleging an unlawful
5 discriminatory practice pursuant to section 213.055, 213.065
6 or 213.070 to the extent that the alleged violation of
7 section 213.070 relates to or involves a violation of
8 section 213.055 or 213.065, or subdivision (3) of subsection
9 1 of section 213.070 as it relates to employment and public
10 accommodations, the commission has not completed its
11 administrative processing and the person aggrieved so
12 requests in writing, the commission shall issue to the
13 person claiming to be aggrieved a letter indicating his or
14 her right to bring a civil action within ninety days of such
15 notice against the respondent named in the complaint. If,
16 after the filing of a complaint pursuant to sections
17 213.040, 213.045, 213.050 and 213.070, to the extent that
18 the alleged violation of section 213.070 relates to or
19 involves a violation of sections 213.040, 213.045 and
20 213.050, or subdivision (3) of subsection 1 of section
21 213.070 as it relates to housing, and the person aggrieved
22 so requests in writing, the commission shall issue to the

23 person claiming to be aggrieved a letter indicating his or
24 her right to bring a civil action within ninety days of such
25 notice against the respondent named in the complaint. The
26 commission may not at any other time or for any other reason
27 issue a letter indicating a complainant's right to bring a
28 civil action. Such an action may be brought in any circuit
29 court in any county in which the unlawful discriminatory
30 practice is alleged to have been committed, either before a
31 circuit or associate circuit judge. Upon issuance of this
32 notice, the commission shall terminate all proceedings
33 relating to the complaint. No person may file or reinstate
34 a complaint with the commission after the issuance of a
35 notice under this section relating to the same practice or
36 act. Any action brought in court under this section shall
37 be filed within ninety days from the date of the
38 commission's notification letter to the individual but no
39 later than two years after the alleged cause occurred or its
40 reasonable discovery by the alleged injured party.

41 2. (1) The court may grant as relief, as it deems
42 appropriate, any permanent or temporary injunction,
43 temporary restraining order, or other order, and may award
44 to the plaintiff actual and punitive damages, and may award
45 court costs and reasonable attorney fees to the prevailing
46 party, other than a state agency or commission or a local
47 commission; except that, a prevailing respondent may be
48 awarded reasonable attorney fees only upon a showing that
49 the case was without foundation.

50 (2) Notwithstanding the provisions of subdivision (1)
51 of this subsection to the contrary, in addition to any other
52 relief awarded by the court pursuant to subdivision (1) of
53 this subsection, the court shall award court costs and
54 reasonable attorney fees to the prevailing party, other than
55 a state agency or commission or a local commission, in any

56 action brought pursuant to this chapter because of sexual
57 orientation or gender identity.

58 3. Any party to any action initiated under this
59 section has a right to a trial by jury.

60 4. The sum of the amount of actual damages, including
61 damages for future pecuniary losses, emotional pain,
62 suffering, inconvenience, mental anguish, loss of enjoyment
63 of life, and other nonpecuniary losses, and punitive damages
64 awarded under this section shall not exceed for each
65 complaining party:

66 (1) Actual back pay and interest on back pay; and

67 (2) (a) In the case of a respondent who has more than
68 five and fewer than one hundred one employees in each of
69 twenty or more calendar weeks in the current or preceding
70 calendar year, fifty thousand dollars;

71 (b) In the case of a respondent who has more than one
72 hundred and fewer than two hundred one employees in each of
73 twenty or more calendar weeks in the current or preceding
74 calendar year, one hundred thousand dollars;

75 (c) In the case of a respondent who has more than two
76 hundred and fewer than five hundred one employees in each of
77 twenty or more calendar weeks in the current or preceding
78 calendar year, two hundred thousand dollars; or

79 (d) In the case of a respondent who has more than five
80 hundred employees in each of twenty or more calendar weeks
81 in the current or preceding calendar year, five hundred
82 thousand dollars.

83 5. In any employment-related civil action brought
84 under this chapter, the plaintiff shall bear the burden of
85 proving the alleged unlawful decision or action was made or
86 taken because of his or her protected classification and was
87 the direct proximate cause of the claimed damages.".