

FIRST REGULAR SESSION

SENATE BILL NO. 701

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

2759S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 213.111, RSMo, and to enact in lieu thereof one new section relating to relief granted by a court in an action brought under the Missouri Human Rights Act.

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

Section A. Section 213.111, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 213.111,
3 to read as follows:

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 213.070 as it relates to housing, and the person aggrieved
20 so requests in writing, the commission shall issue to the
21 person claiming to be aggrieved a letter indicating his or
22 her right to bring a civil action within ninety days of such
23 notice against the respondent named in the complaint. The
24 commission may not at any other time or for any other reason
25 issue a letter indicating a complainant's right to bring a
26 civil action. Such an action may be brought in any circuit
27 court in any county in which the unlawful discriminatory
28 practice is alleged to have been committed, either before a
29 circuit or associate circuit judge. Upon issuance of this
30 notice, the commission shall terminate all proceedings
31 relating to the complaint. No person may file or reinstate
32 a complaint with the commission after the issuance of a
33 notice under this section relating to the same practice or
34 act. Any action brought in court under this section shall
35 be filed within ninety days from the date of the
36 commission's notification letter to the individual but no
37 later than two years after the alleged cause occurred or its
38 reasonable discovery by the alleged injured party.

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

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

50 4. The sum of the amount of actual damages, including
51 damages for future pecuniary losses, emotional pain,
52 suffering, inconvenience, mental anguish, loss of enjoyment
53 of life, and other nonpecuniary losses, and punitive damages
54 awarded under this section shall not exceed for each
55 complaining party:

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

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

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

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

69 (d) In the case of a respondent who has more than five
70 hundred employees in each of twenty or more calendar weeks
71 in the current or preceding calendar year, five hundred
72 thousand dollars.

73 5. In any employment-related civil action brought
74 under this chapter, the plaintiff shall bear the burden of
75 proving the alleged unlawful decision or action was made or
76 taken because of his or her protected classification and was
77 the direct proximate cause of the claimed damages.

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