

FIRST REGULAR SESSION

HOUSE BILL NO. 397

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DIEHL.

1011L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 407.913, RSMo, and to enact in lieu thereof one new section relating to sales commissions.

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

Section A. Section 407.913, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.913, to read as follows:

407.913. Any principal who fails to timely pay the sales representative commissions earned by such sales representative shall be liable to the sales representative in a civil action for the [actual damages sustained by] **commissions due and owing to** the sales representative and [an additional amount as if the sales representative were still earning commissions calculated on an annualized pro rata basis from the date of termination to the date of payment] **a penalty equal to the lesser of two times the sum of the unpaid commissions owed to the sales representative or fifty thousand dollars.** In addition the court may award reasonable attorney's fees and costs to the prevailing party. **This section shall apply retroactively.**

T

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.