

FIRST REGULAR SESSION

HOUSE BILL NO. 512

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (118) (Sponsor) AND WILSON (130) (Co-sponsor).

Read 1st time February 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1446L.011

AN ACT

To repeal sections 290.140 and 290.152, RSMo, and to enact in lieu thereof two new sections relating to employee information.

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

Section A. Sections 290.140 and 290.152, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 290.140 and 290.152, to read as follows:

290.140. 1. Whenever any employee of any corporation doing business in this state and
2 which employs seven or more employees, who shall have been in the service of said corporation
3 for a period of at least ninety days, shall be discharged or voluntarily quit the service of such
4 corporation and who thereafter within a reasonable period of time, but not later than one year
5 following the date the employee was discharged or voluntarily quit, requests in writing by
6 certified mail to the superintendent, manager or registered agent of said corporation, with
7 specific reference to the statute, it shall be the duty of the superintendent or manager of said
8 corporation to issue to such employee, within forty-five days after the receipt of such request,
9 a letter, duly signed by such superintendent or manager, setting forth the nature and character of
10 service rendered by such employee to such corporation and the duration thereof, and truly stating
11 for what cause, if any, such employee was discharged or voluntarily quit such service.

12 2. Any corporation which violates the provisions of subsection 1 of this section shall be
13 liable for compensatory but not punitive damages but in the event that the evidence establishes
14 that the employer did not issue the requested letter, said employer may be liable for nominal and
15 punitive damages. **An employer shall be immune from civil liability for the contents of a
16 letter provided under this section or for any consequences of such a letter, unless the**

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.

17 **employer provided the letter with knowledge that the letter contained false information;**
18 **[but] and** no award of punitive damages under this section shall be based upon the content of any
19 such letter.

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

2 (1) "Employer", any individual, organization, partnership, political subdivision,
3 corporation or other legal entity which has or had in the entity's employ one or more individuals
4 performing services for the entity within this state;

5 (2) "Prospective employer", any employer, as defined in this subsection, to which an
6 individual has made application for employment, either oral or written, or forwarded a resume
7 or other correspondence expressing an interest in employment.

8 2. An employer may:

9 (1) Respond in writing to a written request concerning a current or former employee
10 from an entity or person which the employer reasonably believes to be a prospective employer
11 of such employee, **an agent of a prospective employer, or a law enforcement agency**; and

12 (2) Disclose the nature and character of service rendered by such employee to such
13 employer and the duration thereof; and

14 (3) Truly state for what cause, if any, such employee was discharged or voluntarily quit
15 such service.

16

17 The provisions of this section shall apply regardless of whether the employee becomes employed
18 by the prospective employer prior to receipt of the former employer's written response. The
19 information provided pursuant to this section shall be consistent with the content of any service
20 letter provided pursuant to section 290.140 for the same employee.

21 3. The employer shall send a copy of any letter provided pursuant to subsection 2 of this
22 section to the current employee or former employee at the employee's last known address. The
23 current or former employee may request from the employer a copy of the letter provided pursuant
24 to subsection 2 of this section for up to one year following the date of such letter.

25 4. For purposes of this section, an employer shall be immune from civil liability for any
26 response made pursuant to this section or for any consequences of such response, unless such
27 response was false and made with knowledge that it was false or with reckless disregard for
28 whether such response was true or false.

29 5. Any employer who violates the provisions of subsection 2 of this section shall be
30 liable for compensatory damages but not punitive damages.

31 6. Any letter issued pursuant to this section shall not be admitted as evidence in an
32 unemployment compensation claim.