

SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1734

97TH GENERAL ASSEMBLY

5853H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims, with a penalty provision.

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

Section A. Chapter 287, RSMo, is amended by adding thereto one new section, to be
2 known as section 287.980, to read as follows:

**287.980. 1. The division shall develop and maintain a workers' compensation
2 claims database, accessible to potential employers through the division's website,
3 containing all claims filed for compensation under this chapter. Claims records shall be
4 retrievable only by an employer who during a pre-hire period obtains written consent from
5 a potential employee to acquire such records and provides a potential employee's name and
6 social security number. The record shall, upon retrieval, identify the date of any claim
7 made by such potential employee and whether the claim is open or closed.**

**8 2. The division shall provide a statement to employers that certain usage of the
9 information provided in the database may be unlawful under state and federal law. The
10 statement shall appear on the database website and employers shall be required to agree
11 that they have read and understood the statement before such employers are allowed to
12 access the database.**

**13 3. An employer shall not compel or coerce a potential employee to provide written
14 consent for an employer to acquire claims records or require such consent as a condition
15 of employment.**

**16 4. The records in the workers' compensation claims database shall not be
17 considered reports or records for the purposes of the record retention requirements under
18 section 287.650.**

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.

19 **5. The provisions of this section shall be fully implemented by July 1, 2015. The**
20 **division shall implement the provisions of this section in a manner allowing the division to**
21 **maintain a record of all claims records received through the division's website, including**
22 **the identity of the potential employee and of the potential employer. Such record shall be**
23 **maintained by the division.**

24 **6. Any person who fraudulently accesses the database described in subsection 1 of**
25 **this section, compels or coerces a potential employee to provide written consent to acquire**
26 **claims records, or requires such consent as a condition of employment shall be guilty of a**
27 **class A misdemeanor.**

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