

HB 2460 -- Missouri Human Rights Act

Sponsor: Emery

This bill changes the laws regarding the Missouri Human Rights Act. In its main provisions, the bill:

- (1) Revises the definition of "discrimination" to an adverse action motivated by race, color, religion, national origin, ancestry, sex, or age as it relates to employment, disability, or familial status as it relates to housing;
- (2) Removes any person directly acting in the interest of an employer from the definition of "employer";
- (3) Specifies that it is an unlawful employment practice when race, color, religion, national origin, ancestry, sex, age, or disability of any individual is the factor motivating the employer's decision to fail or refuse to hire or otherwise limit the individual's employment and for an employer, in an employment context, or for a person, in a housing or real estate context, to engage in an adverse action motivated by race, color, religion, national origin, ancestry, sex, or age;
- (4) Allows the Commission on Human Rights to assess a civil penalty of up to \$3,000, increased from \$2,000, if the respondent has not been convicted of a violation in the preceding five years; a civil penalty of up to \$7,000, increased from \$5,000, if the respondent has been convicted of a violation in the preceding five years; and a civil penalty of up to \$15,000, increased from \$10,000, if the respondent has been convicted of two or more violations in the preceding seven years;
- (5) Prohibits courts from awarding punitive damages to the plaintiff if the defendant is a state governmental agency or corporation, including public school districts and political subdivisions; and
- (6) Rejects and abrogates the holdings in *Daugherty v. City of Maryland Heights*, 231 S.W.3d 814 (Mo. 2007), *Cooper v. Albacore Holdings, Inc.*, 204 S.W.3d 238 (Mo.App. E.D. 2006), and *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo.App. E.D. 2006), and all cases citing, interpreting, applying, or following these cases as they pertain to the discrimination standard, unlawful employment practices, and unlawful discriminatory practices in Section 213.070, RSMo.