

SECOND REGULAR SESSION

HOUSE BILL NO. 2055

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIZZO.

5780L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 290.502, 290.512, and 290.527, RSMo, and to enact in lieu thereof three new sections relating to the minimum wage, with a referendum clause.

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

Section A. Sections 290.502, 290.512, and 290.527, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 290.502, 290.512, and 290.527, to read as follows:

290.502. 1. **This section shall be known and may be cited as the "Minimum Wage Act".**

2. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, effective January 1, [2007] **2015**, **the minimum wage rate that** every employer shall pay to each employee [wages at the rate of \$6.50] **shall be either no less than \$10.00** per hour, or wages at the same rate or rates set under the provisions of federal law as the prevailing federal minimum wage applicable to those covered jobs in interstate commerce, whichever rate per hour is higher.

[2.] 3. The minimum wage **rate provided for in subsection 2 of this section** shall, **whether or not such wage is derived from the statutory minimum or the adoption of the federal minimum as required in such subsection**, be increased or decreased on January 1, [2008] **2016**, and on January 1 of successive years, by the increase or decrease in the cost of living. On September 30, [2007] **2015**, and on each September 30 of each successive year, the director shall measure the increase or decrease in the cost of living by the percentage increase or decrease as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) or

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.

16 successor index as published by the U.S. Department of Labor or its successor agency, with the
17 amount of the minimum wage increase or decrease rounded to the nearest five cents.

290.512. 1. No employer of any employee who receives and retains compensation in the
2 form of gratuities in addition to wages is required to pay wages in excess of [fifty] **sixty** percent
3 of the minimum wage rate specified in sections 290.500 to 290.530, however, total compensation
4 for such employee shall total at least the minimum wage specified in sections 290.500 to
5 290.530, the difference being made up by the employer.

6 2. If an employee receives and retains compensation in the form of goods or services as
7 an incident of his employment and if he is not required to exercise any discretion in order to
8 receive the goods or services, the employer is required to pay only the difference between the fair
9 market value of the goods and services and the minimum wage otherwise required to be paid by
10 sections 290.500 to 290.530. The fair market value of the goods and services shall be computed
11 on a weekly basis. The director shall provide by regulation a method of valuing the goods and
12 services received by any employee in lieu of the wages otherwise required to be paid under the
13 provisions of sections 290.500 to 290.530. He shall also provide by regulation a method of
14 determining those types of goods and services that are an incident of employment the receipt of
15 which does not require any discretion on the part of the employee.

290.527. Any employer who pays any employee less wages than the wages to which the
2 employee is entitled under or by virtue of sections 290.500 to 290.530 shall be liable to the
3 employee affected for the full amount of the wage rate and an additional [equal] amount **equal**
4 **to twice the unpaid wages** as liquidated damages, less any amount actually paid to the employee
5 by the employer and for costs and such reasonable attorney fees as may be allowed by the court
6 or jury. The employee may bring any legal action necessary to collect the claim. Any agreement
7 between the employee and the employer to work for less than the wage rate shall be no defense
8 to the action. All actions for the collection of any deficiency in wages shall be commenced
9 within [two] **three** years of the accrual of the cause of action.

Section B. This act is hereby submitted to the qualified voters of this state for approval
2 or rejection at an election which is hereby ordered and which shall be held and conducted on
3 Tuesday next following the first Monday in November, 2014, pursuant to the laws and
4 constitutional provisions of this state for the submission of referendum measures by the general
5 assembly, and this act shall become effective when approved by a majority of the votes cast
6 thereon at such election and not otherwise.

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