

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 91, 42, 131, 265 & 314, Page 2, Section
2 290.590, Lines 22-33, by deleting all of said lines and inserting in lieu thereof the following:

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4 "5. Any person who is employed by an employer may file a complaint that alleges a
5 violation or threatened violation of this chapter with the department of labor and industrial relations.
6 Upon receiving a complaint under this section, the department of labor and industrial relations may:

7 (1) Investigate the complaint; and

8 (2) Enforce compliance if a violation of this section is found. In addition to any other
9 remedy available under law, if the department of labor and industrial relations determines that a
10 violation or threatened violation of this section has occurred, the department may issue an
11 administrative order providing for civil remedies as provided in this section. The department of
12 labor and industrial relations may adopt rules to compel compliance with this section. Any rule or
13 portion of a rule, as that term is defined in section 536.010, that is created under the authority
14 delegated in this section shall become effective only if it complies with and is subject to all of the
15 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
16 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
17 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
18 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
19 August 28, 2016, shall be invalid and void.

20 6. (1) If an individual suffers an injury as a result of any act or practice that violates this
21 section, or from a threatened violation of this section, the individual may bring a civil action.

22 (2) A court may order an award of any or all of the following to an individual who prevails
23 under subdivision 1 of subsection 6 of this section:

24 (a) The greater of:

25 a. Actual and consequential damages resulting from the violation or threatened violation; or

26 b. Liquidated damages of not more than one thousand dollars.

27 (b) Reasonable attorney's fees, litigation expenses, and costs;

28 (c) Declaratory or equitable relief, including injunctive relief; or

29 (d) Other relief the court considers proper.

30 (3) The remedies and penalties set forth in this subdivision 2 of subsection 6 of this section
31 are cumulative and in addition to other remedies and penalties imposed for a violation of this
32 section."; and
33

34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.

Action Taken _____ Date _____