

FIRST REGULAR SESSION

# HOUSE BILL NO. 470

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HENDERSON.

1173H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 290.520, RSMo, and to enact in lieu thereof one new section relating to employment practices, with penalty provisions.

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

Section A. Section 290.520, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.520, to read as follows:

290.520. 1. Every employer subject to any provision of sections 290.500 to 290.530 or any regulation issued under sections 290.500 to 290.530 shall make and keep for a period of not less than three years on or about the premises wherein any employee is employed or at some other premises which is suitable to the employer, a record of the name, address and occupation of each of his employees, the rate of pay, the amount paid each pay period to each employee, the hours worked each day and each workweek by the employee and any goods or services provided by the employer to the employee as provided in section 290.512. The records shall be open for inspection by the director by appointment. Where the records required under this section are kept outside the state, the records shall be made available to the director upon demand. Every such employer shall furnish to the director on demand a sworn statement of time records and information upon forms prescribed or approved by the director. All the records and information obtained by the department of labor and industrial relations are confidential and shall be disclosed only on order of a court of competent jurisdiction.

**2. Notwithstanding any other law to the contrary and subject to the provisions of this section and chapter:**

**(1) As used in this subsection, the following terms mean:**

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.

18           (a) "Contractor", any person, firm, partnership, corporation, association,  
19 company, organization, or other entity, including a construction manager, general or  
20 prime contractor, joint venture, or any combination thereof, which enters into a  
21 construction contract with an owner;

22           (b) "Subcontractor", any person, firm, partnership, corporation, company,  
23 association, organization, or other entity, or any combination thereof, which is a party to  
24 a contract with a contractor, or party to a contract with the contractor's subcontractors  
25 at any tier to perform any portion of work within the scope of the contractor's  
26 construction contract with the owner, including where the subcontractor has no direct  
27 privity of contract with the contractor;

28           (2) For any contract entered into on or after January 1, 2024, for construction,  
29 reconstruction, demolition, alteration, maintenance, including painting and decorating,  
30 or repair in Missouri, other than work on an owner-occupied residence, and including,  
31 but not limited to, any such work performed under a contract entered into on or after  
32 January 1, 2024, the contractor entering into a contract shall assume, and be responsible  
33 for, any debt owed to an employee, or third party on the employee's behalf, incurred by  
34 a subcontractor at any tier acting under, by, or for the contractor for the employee's  
35 performance of labor under the contract;

36           (3) The contractor's responsibility under the provisions of this subsection shall  
37 extend to unpaid wages plus any interest owed and shall extend to penalties or  
38 liquidated damages;

39           (4) A contractor or any other subcontractor or employer shall not evade, or  
40 commit any act that negates, the requirements of this section. This subsection does not  
41 prohibit a contractor or subcontractor at any tier from establishing by contract or  
42 enforcing any otherwise lawful remedies against a subcontractor it hires for the  
43 responsibility created by the nonpayment of wages by that subcontractor or by a  
44 subcontractor at any tier working under that subcontractor;

45           (5) The Missouri department of labor may enforce against a contractor the  
46 responsibility for unpaid wages created by this subsection by any action that the  
47 department is authorized to undertake regarding the responsibility for unpaid wages  
48 under this chapter;

49           (6) Upon request by a contractor, project manager, or contractor to a  
50 subcontractor, the subcontractor shall provide payroll records of its employees,  
51 including all wages of its employees who are providing labor on work subject to the  
52 provisions of this subsection. The payroll records shall not be modified except to  
53 prevent disclosure of an individual's full Social Security number, except that payroll  
54 records shall contain the last four digits of the Social Security number;

55           (7) Upon request of a contractor to a project manager, contractor, or  
56 subcontractor, the subcontractor and any lower tier subcontractors under contract to  
57 the subcontractor shall provide the contractor information that includes the project  
58 name, name and address of the subcontractor, contractor with whom the subcontractor  
59 is under contract, anticipated start date, duration, estimated journeyman and  
60 apprentice hours, and contract information for its subcontractors on the project;

61           (8) A subcontractor's failure to comply with this subsection shall not relieve a  
62 contractor from any of the obligations contained in this subsection;

63           (9) Any subcontractor who fails to provide records or information requested  
64 under this subsection within fourteen days of when the request was made shall be  
65 subject to a civil penalty in an amount not to exceed five thousand dollars for each day  
66 the subcontractor fails to provide the requested records or information;

67           (10) An action brought under this subsection shall be filed within two years from  
68 the date of the occurrence of the incident alleged in the action;

69           (11) In the case of a private civil action by an employee, such employee may  
70 designate any person, organization, or collective bargaining agent to file a complaint to  
71 make a wage claim on his or her behalf;

72           (12) This subsection shall not apply to work performed by an employee of the  
73 state, a special district, a city, a county, a city and county, or any political subdivision of  
74 the state; and

75           (13) Nothing in this subsection shall alter the obligation under any other  
76 provision of law of a contractor to pay in a timely manner a contractor or subcontractor,  
77 or any penalties for failing to pay in a timely manner.

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