

EARNED WAGE ACCESS SERVICES (Section 361.749)

This bill defines "earned wage access services" as the business of providing "consumer-directed wage access services", defined as offering or providing earned wage access services to a consumer based on the consumer's earned-but-unpaid income, "employer-integrated wage access services", defined as delivering to consumers access to earned-but-unpaid income, or both. "Earned but unpaid income" includes salary, wages, compensation, or other income that the consumer has represented to a provider has been earned in exchange for services to the employer or on behalf of the employer, but has not been paid to the consumer.

As specified in the bill, a person who engages in the business of earned wage access services needs to register as a provider with the Division of Finance within the Department of Commerce and Insurance. The annual registration fee is \$1,000 payable July 1st of each year. The registration requirements are specified in the bill. The bill exempts certain entities such as a bank or savings and loan association, credit union, and a person who is authorized to make loans or extension of credit under the laws of the state of Missouri or the United States.

The bill requires a provider to develop and implement policies and procedures to respond to questions raised by consumers and to address their complaints. A provider is required to provide a consumer with a written paper or electronic document that informs the consumer of his or her rights and discloses all fees prior to entering into an agreement. A provider must comply with all local, state, and federal privacy and information security laws and with the federal Electronic Funds Transfer Act and regulations. Further, a provider that solicits, charges or receives a tip, gratuity, or donation from a consumer has to clearly and conspicuously make certain disclosures to the consumer.

As specified in the bill, a provider is prohibited from sharing with an employer any fees, voluntary tips, gratuities or other donations received from a consumer; charging a late fee, deferral fee, interest or other penalty; reporting any information to a consumer credit reporting agency or debt collector; accepting payment for outstanding proceeds, fees, tips, gratuities via credit card; compelling repayment by filing a suit or use of a third-party to pursue collection, or selling of the outstanding amounts to a third-party collector or debt buyer.

The bill specifies that, earned wage access services offered by a registered provider are not regarded as a violation of or

noncompliance with the laws relating to sale or assignment of unpaid income, a loan or other form of credit, or money transmission.

The Director of the Division of Finance is authorized to suspend or revoke the registration of a provider who fails, refuses or neglects to comply with the requirements contained in the bill, or commits any criminal act, after a hearing. The Director can also issue cease and desist orders as explained in the bill.

Any earned wage access services provider who knowingly and willfully violates the provisions of the bill shall be guilty of a class A misdemeanor.

COVENANTS NOT TO COMPETE (Section 431.204)

This bill provides that a reasonable covenant in writing promising not to solicit, recruit, hire, induce, persuade, encourage, or otherwise interfere with, directly or indirectly, employees or owners of a business entity shall be presumed to be enforceable and not a restraint of trade if it is between a business entity and the owner of the business entity for a term of no more than two years following the end of the owner's relationship with the business entity. Additionally, a reasonable covenant in writing promising not to solicit, induce, direct, or otherwise interfere with a business entity's customers shall be enforceable if the covenant is limited to customers with whom the owner dealt and if the covenant between an entity and owner does not continue for more than five years following the end of owner's relationship with the business entity. Furthermore, a written provision by which an owner promises to provide notice of termination, selling, or otherwise disposing of ownership in the business entity shall be presumed to be enforceable and not a restraint of trade.

If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the protectable business interests of the business entity seeking enforcement of the covenant, a court shall modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests. This bill is not intended to create or affect the validity or enforcement of covenants not to compete or nondisclosure or confidentiality agreements, nor to be construed to limit an owner's ability to seek or accept employment with another business entity upon termination of the owner's relationship with a business entity.

CONSUMER LEGAL FUNDING (Sections 436.550, 436.552, 436.554, 436.556, 436.558, 436.560, 436.562, 436.564, 436.566, 436.568, 436.570, 436.572)

This bill establishes the "Consumer Legal Funding Act" and contains several definitional terms including "consumer legal funding contract" in which a consumer legal funding company, as defined, purchases and a consumer assigns to the company a contingent right to receive moneys from the settlement, judgment, award, or verdict from a consumer's legal claim, subject to certain restraints, in exchange for an amount less than \$500,000. The bill details the requirements to be included in the contract, which is not considered to be a loan and not subject to laws or regulations governing loans or investment contracts. The company must provide the consumer's attorney with written notice of the contract provided to the consumer within three business days of the funding date. The contract is valid for a period not to exceed 48 months and no contract shall be subject to automatic renewal.

The bill details actions that cannot be taken by a consumer legal funding company including, but not limited to: paying or offering to pay or accepting commissions, referral fees, or other forms of consideration to or from an attorney, medical provider, etc.; intentionally advertising false or misleading information; or making decisions relating to the conduct of the underlying legal claim or resolution thereof.

The bill specifies that the contracted amount to be paid to the consumer legal funding company shall be set as a predetermined amount based upon an interval of time and shall not be determined as a percentage of the recovery from the legal claim.

The bill provides for disclosures to be included in the contract which are regarded as material terms of the contract. The bill specifies the written language to be contained in the body of the contract.

The consumer legal funding contract shall be voided if a court with competent jurisdiction finds that a company intentionally violated the provisions of this bill. The bill does not restrict the Attorney General's powers or performance of duties.

No attorney or law firm retained by the consumer in the legal claim can have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer.

No communication between the consumer's attorney and the consumer legal funding company necessary to ascertain the status of a legal claim or such claim's expected value shall be discoverable.

A consumer legal funding company must be registered according to the standards developed by the Division of Finance and the bill

details provisions relating to denial of applications for registration. Every applicant shall file a bond satisfactory to the Division of up to \$50,000. If an action is commenced on the filed bond, the Division may require the filing of a new bond.

A consumer legal funding company that has applied with the Division within six months from the effective date of the bill, or when the Division has made applications available to the public, whichever is later, may engage in consumer legal funding while the application is awaiting approval. No funding contracts in effect prior to the effective date of this bill shall be subject to the provisions of this bill.

The Division shall conduct an examination of each consumer funding company at least biannually, and shall have free and immediate access to the places of business and relevant books and records of the company during such examination.

The bill provides that the existence of a consumer legal funding contract is a fact subject to the usual rules of discovery.

GUARDIANSHIPS AND CONSERVATORSHIPS (Sections 475.040, 475.275)

The bill provides that a guardianship or conservatorship proceeding may be transferred to a court in another county if it appears to the court that at any time before the termination of a guardianship or conservatorship that the domicile, instead of the domicile or residence, of the ward or protectee has changed to another county.

Currently, the Public Administrator of Jackson County, when serving as a conservator, is required to have any pooled accounts audited at least once a year. The audit will provide a review of the records of receipts and disbursements and each estate account. Upon completion of the audit, the accountant must render a report to the judge showing receipts, disbursements, and account balances as to each estate as well as the total assets on deposit in the pooled account on the last calendar day of each year.

This bill instead provides that a public administrator of any county serving as a conservator or personal representative using pooled accounts for the management of estate funds must have such accounts examined on an annual basis as specified in the bill.

COURT AUTOMATION (Section 476.055)

The bill adds two employees who work full time in a municipal division of the court to the Court Automation Committee. Additionally, this bill repeals the provision requiring any unexpended balance in the Statewide Court Automation Fund to be

transferred to the General Revenue Fund on September 1, 2023. Additionally, the court fee collected for the Statewide Court Automation Fund is set to expire on September 1, 2023, but this bill repeals the expiration date. The bill also repeals the provision requiring the Court Automation Committee to complete its duties by September 1, 2025, and repeals the expiration date for the provision establishing the Statewide Court Automation Fund and the Court Automation Committee.

JUDICIAL PRIVACY (Sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313)

This bill establishes the "Judicial Privacy Act", which regulates the use of a judicial officer's personal information. Upon receiving a written request, a government agency, as defined in the bill, must not publicly post or display a judicial officer's personal information in publicly available content. After receiving a written request, the government agency must remove the judicial officer's personal information from publicly available content within five business days. After removal, the government agency must not publicly post or display the information and such information will be exempted from the Missouri Sunshine Law. If a government agency fails to comply, the judicial officer may bring an action for injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees.

Additionally, no person, business, or association will publicly post or display on the Internet a judicial officer's personal information if the judicial officer has made a written request. Further, this bill provides that no person, business, or association will solicit, sell, or trade on the Internet a judicial officer's personal information for purposes of harassing, intimidating, or influencing a judicial officer in violation of the offense of tampering with a judicial officer or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

A person, business, or association will have five business days to remove the judicial officer's personal information after receiving a written request. Additionally, the person, business, or association must continue to ensure that the judicial officer's personal information is not made available on any website controlled by such person, business, or association and must not make the judicial officer's personal information public through any medium. If a judicial officer's personal information is made public in violation of this bill, the judicial officer may bring an injunctive or declaratory action. If the court grants injunctive or declaratory relief, the person, business, or association

responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

This bill provides that the clerk of the court where the judicial officer serves may submit a written request on behalf of the judicial officer if the judicial officer gives written consent and the clerk furnishes a copy of that consent with the request.

A judicial officer's written request must specify what personal information will be maintained as private. Furthermore, a judicial officer will disclose the identity of his or her immediate family and indicate that their personal information will be also be excluded to the extent that it could reasonably reveal the judicial officer's personal information. A judicial officer's written request is valid until the judicial officer provides written consent to release the personal information or upon death of the judicial officer. Additionally, this bill will not apply to disclosures on lobbyist activities and campaign finance as required by law.

Written requests transmitted to a county recorder of deeds must only include information specific to eligible documents maintained by that county. Not more than five business days after receiving a written request, the recorder must shield the eligible documents listed in the written request and must electronically reply with a list of documents not found in the county's records. In order to shield subsequent eligible documents, the judicial officer must present a copy of his or her written request to the recorder at the time of recording and the recorder must ensure that the eligible document is shielded within five business days. Eligible documents must remain shielded until the recorder receives a court order or notarized affidavit signed by the judicial officer. No recorder will be liable for any damages under this provision if the recorder made a good faith effort to comply and no recorder will be liable for the release of eligible documents or data that was released or accessed prior to the document being shielded.

COURT REPORTERS (Section 485.060)

This bill modifies the annual salary of court reporters for a circuit judge by providing that the percentage based on each court reporter's cumulative years of service with the circuit courts includes the percentage increases for the previous range of years of service. Additionally, this bill repeals the provision stating that a court reporter may receive multiple adjustments as his or her years of service increase, but that only one percentage increase can apply to the annual salary at a time.

PERSONAL IDENTIFYING INFORMATION (Sections 210.1360, 509.520, 565.240)

The bill specifies that any personally identifiable information regarding a child under 18 years old receiving child care from any provider or applying for or receiving services through a state program shall not be subject to disclosure except as otherwise allowed by law.

This bill also provides that, beginning August 28, 2023, pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court, must not include certain personal identifying information, specified in the bill. Nothing in the bill will preclude an entity otherwise allowed by law to access state court records from using a person's unique identifying information to match the information contained in a court record to validate the person's record.

Currently, the unlawful posting of certain information relating to a law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such person, that intends to or threatens to cause great bodily harm or death shall be a class E felony. This bill specifies that if such unlawful posting of certain information that intends to or threatens to cause great bodily harm or death actually results in bodily harm or death to such person or immediate family member, the offense shall be a class D felony.

VICTIMS' RIGHTS (Section 595.209)

This section allows victims and witnesses of crimes to receive certain notifications by electronic mail.

MISSOURI POSTCONVICTION DRUG TREATMENT PROGRAM (Section 217.785)

This bill repeals the section establishing the Missouri Postconviction Drug Treatment Program.

EXPUNGEMENT (Section 488.650)

This bill repeals provisions relating to a surcharge for petitions for expungement.