

SECOND REGULAR SESSION

SENATE BILL NO. 801

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 14, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5225S.02I

AN ACT

To repeal sections 290.502 and 290.527, RSMo, and to enact in lieu thereof three new sections relating to minimum wage.

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

Section A. Sections 290.502 and 290.527, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 290.502, 290.527,
3 and 1, to read as follows:

290.502. 1. Except as may be otherwise provided pursuant to sections
2 290.500 to 290.530, effective January 1, 2007, every employer shall pay to each
3 employee wages at the rate of \$6.50 per hour, or wages at the same rate or rates
4 set under the provisions of federal law as the prevailing federal minimum wage
5 applicable to those covered jobs in interstate commerce, whichever rate per hour
6 is higher.

7 2. The minimum wage shall be increased or decreased on January 1, 2008,
8 and on January 1 of successive years, by the increase or decrease in the cost of
9 living. On September 30, 2007, and on each September 30 of each successive
10 year, the director shall measure the increase or decrease in the cost of living by
11 the percentage increase or decrease as of the preceding July over the level as of
12 July of the immediately preceding year of the Consumer Price Index for Urban
13 Wage Earners and Clerical Workers (CPI-W) or successor index as published by
14 the U.S. Department of Labor or its successor agency, with the amount of the
15 minimum wage increase or decrease rounded to the nearest five cents.

16 3. **Except as may be otherwise provided pursuant to sections**
17 **290.500 to 290.530, and notwithstanding subsection 1 of this section to**
18 **the contrary, effective January 1, 2019, every employer shall pay to**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 each employee wages at the rate of not less than \$8.60 per hour, or
20 wages at the same rate or rates set under the provisions of federal law
21 as the prevailing federal minimum wage applicable to those covered
22 jobs in interstate commerce, whichever rate per hour is
23 higher. Thereafter, the minimum wage established by this subsection
24 shall be increased each year by \$.85 per hour, effective January first of
25 each year for the next four years, until it reaches \$12.00 per hour,
26 effective January 1, 2023. Thereafter, the minimum wage established
27 by this subsection shall be increased or decreased on January 1, 2024,
28 and on January first of successive years, per the method set forth in
29 subsection 2 of this section. If at any time the federal minimum wage
30 rate is above or is thereafter increased above the minimum wage then
31 in effect in this subsection, the minimum wage required by this
32 subsection shall continue to be increased pursuant to this subsection,
33 but the higher federal minimum wage rate shall immediately become
34 the minimum wage required by this subsection and shall be increased
35 or decreased per the method set forth in subsection 2 of this section for
36 so long as it remains higher than the state minimum wage required and
37 increased pursuant to this subsection.

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

Section 1. If any provision of this act or the application thereof
2 **to anyone or to any circumstance is held invalid, the remainder of this**
3 **act and the application of such provisions to others or other**
4 **circumstances shall not be affected thereby.**

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