

HOUSE BILL NO. 1153

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PACE (Sponsor), SMITH (85), ELLINGER, WALTON GRAY,
PIERSON, DUNN, CURTIS, ELLINGTON, ENGLISH, MCCANN BEATTY, HUMMEL, PETERS,
MORGAN, GARDNER, OTTO AND BUTLER (Co-sponsors).

4059L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to use of credit scores by prospective employers.

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

Section A. Chapter 290, RSMo, is amended by adding thereto one new section, to be
2 known as section 290.146, to read as follows:

290.146. 1. Except as provided in subsection 3 of this section, it shall be an
2 improper employment practice for any employer to directly or indirectly use a job
3 applicant's personal credit history as hiring criteria.

4 2. As used in this section "employer" does not include:

5 (1) Any bank holding company, financial holding company, bank, savings bank,
6 savings and loan association, credit union, or trust company, or any subsidiary or affiliate
7 thereof, or an investment advisor, a broker-dealer, or an entity registered with the
8 securities and exchange commission, that is authorized to do business under the laws of this
9 state or of the United States;

10 (2) Any company authorized to engage in any kind of insurance or surety business
11 under the laws of this state, including any employee, agent, or employee of an agent acting
12 on behalf of a company engaged in the insurance or surety business;

13 (3) Any state law enforcement agency;

14 (4) Any state or local government agency which otherwise requires use of the
15 employee's or applicant's credit history or credit report; 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 **(5) Any entity that is defined as a debt collector under federal or state statute.**
17 **3. An employer may request a credit history background check as part of the**
18 **application process where such history is shown to be directly related to the occupational**
19 **position sought by the job applicant.**
20 **4. A satisfactory credit history is not directly related to the occupational position**
21 **sought unless at least one of the following circumstances is present:**
22 **(1) State or federal law requires bonding or other security covering an individual**
23 **holding the position;**
24 **(2) The position is a managerial position which involves setting the direction or**
25 **control of the business;**
26 **(3) The position meets criteria in administrative rules, if any, that the United States**
27 **Department of Labor or the Missouri department of labor and industrial relations has**
28 **adopted and promulgated to establish the circumstances in which a credit history is a bona**
29 **fide occupational requirement;**
30 **(4) The duties of the position involve access to customers', employees', or the**
31 **employer's personal or financial information other than information customarily provided**
32 **in a retail transaction;**
33 **(5) The duties of the position involve a fiduciary responsibility to the employer**
34 **including but not limited to the authority to issue payments, transfer money, or enter into**
35 **contracts; or**
36 **(6) The position includes an expense account.**

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