

FIRST REGULAR SESSION

HOUSE BILL NO. 197

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

0148H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 620, RSMo, by adding thereto eight new sections relating to call centers, with a delayed effective date for certain sections.

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

Section A. Chapter 620, RSMo, is amended by adding thereto eight new sections, to be known as sections 620.1600, 620.1601, 620.1602, 620.1603, 620.1604, 620.1605, 620.1606, and 620.1607, to read as follows:

620.1600. As used in sections 620.1600 to 620.1607, the following terms mean:

- (1) "Call center", a business entity or a division of a business entity with a primary purpose of initiating or receiving telephone communications on behalf of a person or entity to initiate sales including, but not limited to, telephone solicitations as defined under section 407.1095; to provide services; or to provide or receive information in connection with providing services. "Call center" shall only include a business entity or division that:
- (a) Has at least fifty customer service employees located in this state, excluding customer service employees who work less than twenty hours per week; or
 - (b) Has at least fifty customer service employees located in this state who, in the aggregate, work a total of at least one thousand five hundred hours per week;
- (2) "Customer", a resident of this state who receives a call from or places a call to a call center;
- (3) "Customer service employee", a person employed by or working on behalf of a call center;
- (4) "Department", the department of economic development;

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) "Outsourcing list", the list maintained by the department under section
17 620.1602;

18 (6) "Public agency", the state or an agency, instrumentality, or political subdivision
19 thereof including, but not limited to, a county, municipality, public school district, or
20 special-purpose district or authority;

21 (7) "Public subsidy", a program, benefit, or assistance of any type offered by a
22 public agency that is designed to stimulate the economic development of a corporation,
23 industry, or sector of the state's economy or to create or retain jobs in this state. "Public
24 subsidy" includes, but is not limited to:

25 (a) Grants, loans, loan guarantees, benefits relating to an enterprise or
26 empowerment zone, fee waivers, land-price subsidies, infrastructure development, or
27 improvements designed to principally benefit a single business or defined group of
28 businesses offered by a public agency; or

29 (b) Matching funds, tax credits, tax refunds, tax rebates, or tax abatements offered
30 by a public agency.

620.1601. 1. A business shall notify the department if the business plans to:

2 (1) Terminate customer service employee positions in this state that handle at least
3 fifty percent of total customer service call volume for the business, as measured against the
4 previous twelve months' average customer service call volume of the business; and

5 (2) Relocate the duties of those positions to persons in one or more call centers
6 located outside of the United States.

7 2. The business shall notify the department of its intent to terminate and relocate
8 the positions at least one hundred twenty days before the termination and relocation of the
9 positions.

10 3. A business that violates this section is liable to the state for a civil penalty in an
11 amount not to exceed ten thousand dollars. Each day the business fails to comply shall be
12 considered a separate violation.

13 4. The attorney general may bring suit to recover the civil penalty imposed under
14 subsection 3 of this section.

620.1602. 1. The department shall maintain a list of businesses that have
2 terminated and relocated customer service employee positions as described under
3 subsection 1 of section 620.1601.

4 2. Except as provided under subsection 4 of this section, a business that is added
5 to the outsourcing list shall not be removed from the outsourcing list before the fifth
6 anniversary of the date the business was added to the outsourcing list.

7 **3. The department shall make the outsourcing list available to the public and shall**
8 **semiannually distribute the outsourcing list to the governor and the general assembly.**

9 **4. The department shall remove a business from the outsourcing list if the business**
10 **relocates to this state as many customer service employee positions as the business**
11 **terminated and relocated causing the business to be added to the outsourcing list.**

620.1603. In awarding a contract for services, a public agency shall give preference
2 **to a vendor, bidder, contractor, or subcontractor that does not appear on the outsourcing**
3 **list.**

620.1604. 1. Except as provided under subsection 2 of this section, a public agency
2 **shall not award or provide a public subsidy to a business that appears on the outsourcing**
3 **list.**

4 **2. A public agency, after consulting with the department, may award a public**
5 **subsidy if the business applying for the subsidy shows that refusal to grant the subsidy**
6 **would:**

7 **(1) Result in substantial job loss in the state; or**

8 **(2) Harm the environment.**

620.1605. A business that receives a public subsidy and is later placed on the
2 **outsourcing list shall repay the full amount of the public subsidy.**

620.1606. On the request of a customer, a business shall ensure that each customer
2 **service employee who communicates with a customer on behalf of the business:**

3 **(1) Discloses to the customer:**

4 **(a) The city, state, and country where the customer service employee is located;**

5 **(b) The name or registered alias of the customer service employee; and**

6 **(c) The name of the employer of the customer service employee;**

7 **(2) Enables the customer to speak to an employee of the business on whose behalf**
8 **the call center is communicating with the customer; and**

9 **(3) Transfers the call to a person in this state, if the customer service employee is**
10 **not in this state.**

620.1607. All call center services performed on behalf of a state agency shall be
2 **performed in this state.**

 Section B. The enactment of section 620.1606 of this act shall become effective January
2 1, 2023.

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