

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR

signed into  
LAW.  
July 1, 2022

# HOUSE BILL NO. 2400

## 101ST GENERAL ASSEMBLY

5038S.04T

2022

### AN ACT

To repeal sections 130.029, 135.110, 135.155, 135.800, 135.802, 135.805, 135.810, 135.815, 135.825, 143.081, 143.119, 144.010, 144.011, 208.798, 285.730, 313.800, 313.805, 620.515, 620.800, 620.803, 620.806, 620.809, 620.1039, 620.1620, and 620.2020, RSMo, and to enact in lieu thereof twenty-nine new sections relating to business entities.

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

Section A. Sections 130.029, 135.110, 135.155, 135.800, 135.802, 135.805, 135.810, 135.815, 135.825, 143.081, 143.119, 144.010, 144.011, 208.798, 285.730, 313.800, 313.805, 620.515, 620.800, 620.803, 620.806, 620.809, 620.1039, 620.1620, and 620.2020, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 105.1500, 130.029, 135.110, 135.155, 135.800, 135.802, 135.805, 135.810, 135.815, 135.825, 143.081, 143.119, 143.436, 144.010, 144.011, 208.798, 285.730, 313.800, 313.805, 407.475, 620.515, 620.800, 620.803, 620.806, 620.809, 620.850, 620.1039, 620.1620, and 620.2020, to read as follows:

**105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".**

**2. As used in this section, the following terms mean:**

**(1) "Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;**

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.

9           **(2) "Public agency", the state and any political subdivision thereof including,**  
10 **but not limited to, any department, agency, office, commission, board, division, or other**  
11 **entity of state government; any county, city, township, village, school district,**  
12 **community college district; or any other local governmental unit, agency, authority,**  
13 **council, board, commission, state or local court, tribunal or other judicial or quasi-**  
14 **judicial body.**

15           **3. (1) Notwithstanding any provision of law to the contrary, but subject to the**  
16 **exceptions listed under subsection 4 of this section, a public agency shall not:**

17           **(a) Require any individual to provide the public agency with personal**  
18 **information or otherwise compel the release of personal information;**

19           **(b) Require any entity exempt from federal income taxation under Section 501(c),**  
20 **of the Internal Revenue Code to provide the public agency with personal information or**  
21 **otherwise compel the release of personal information;**

22           **(c) Release, publicize, or otherwise publicly disclose personal information in**  
23 **possession of a public agency; or**

24           **(d) Request or require a current or prospective contractor or grantee with the**  
25 **public agency to provide the public agency with a list of entities exempt from federal**  
26 **income taxation under Section 501(c) of the Internal Revenue Code of 1986, as**  
27 **amended, to which it has provided financial or nonfinancial support.**

28           **(2) All personal information in the possession of a public agency shall be**  
29 **considered a closed record under chapter 610 and court operating rules.**

30           **4. The provisions of this section shall not preclude any individual or entity from**  
31 **being required to comply with any of the following:**

32           **(1) Submitting any report or disclosure required by this chapter or chapter 130;**

33           **(2) Responding to any lawful request or subpoena for personal information from**  
34 **the Missouri ethics commission as a part of an investigation, or publicly disclosing**  
35 **personal information as a result of an enforcement action from the Missouri ethics**  
36 **commission pursuant to its authority in sections 105.955 to 105.966;**

37           **(3) Responding to any lawful warrant for personal information issued by a court**  
38 **of competent jurisdiction;**

39           **(4) Responding to any lawful request for discovery of personal information in**  
40 **litigation if:**

41           **(a) The requestor demonstrates a compelling need for the personal information**  
42 **by clear and convincing evidence; and**

43           **(b) The requestor obtains a protective order barring disclosure of personal**  
44 **information to any person not named in the litigation;**

45 (5) Applicable court rules or admitting any personal information as relevant  
46 evidence before a court of competent jurisdiction. However, a submission of personal  
47 information to a court shall be made in a manner that it is not publicly revealed and no  
48 court shall publicly reveal personal information absent a specific finding of good cause;  
49 or

50 (6) Any report or disclosure required by state law to be filed with the secretary  
51 of state, provided that personal information obtained by the secretary of state is  
52 otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3  
53 of this section, unless expressly required to be made public by state law.

54 5. (1) A person or entity alleging a violation of this section may bring a civil  
55 action for appropriate injunctive relief, damages, or both. Damages awarded under this  
56 section may include one of the following, as appropriate:

57 (a) A sum of moneys not less than two thousand five hundred dollars to  
58 compensate for injury or loss caused by each violation of this section; or

59 (b) For an intentional violation of this section, a sum of moneys not to exceed  
60 three times the sum described in paragraph (a) of this subdivision.

61 (2) A court, in rendering a judgment in an action brought under this section,  
62 may award all or a portion of the costs of litigation, including reasonable attorney's fees  
63 and witness fees, to the complainant in the action if the court determines that the award  
64 is appropriate.

65 (3) A person who knowingly violates this section is guilty of a class B  
66 misdemeanor.

130.029. 1. Nothing herein contained shall be construed to prohibit any corporation  
2 organized under any general or special law of this state, or any other state or by an act of the  
3 Congress of the United States or any labor organization, cooperative association or mutual  
4 association from making any contributions or expenditures, provided:

5 (1) That the board of directors of any corporation by resolution has authorized  
6 contributions or expenditures, or by resolution has authorized a designated officer to make  
7 such contributions or expenditures; or

8 (2) That the members of any labor organization, cooperative association or mutual  
9 association have authorized contributions or expenditures by a majority vote of the members  
10 present at a duly called meeting of any such labor organization, cooperative association or  
11 mutual association or by such vote has authorized a designated officer to make such  
12 contributions or expenditures.

13 2. No provision of this section shall be construed to authorize contributions or  
14 expenditures otherwise prohibited by, or to change any necessary percentage of vote