

FIRST REGULAR SESSION

SENATE BILL NO. 379

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time February 28, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1667S.011

AN ACT

To amend chapters 516 and 537, RSMo, by adding thereto two new sections relating to products liability.

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

Section A. Chapters 516 and 537, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 516.115 and 537.763, to read as follows:

516.115. 1. Any action to recover damages for economic loss,
2 personal injury, property damage or wrongful death alleging a products
3 liability claim pursuant to sections 537.760 to 537.765 shall be
4 commenced within ten years after the date on which the product that
5 allegedly caused the damage was first placed into the stream of
6 commerce.

7 2. The limitations contained in subsection 1 shall not apply to
8 indemnity or contribution actions brought by a defendant in a products
9 liability action against a person who is or may be liable to such person
10 for any portion of any judgment rendered against the defendant.

11 3. This section shall not apply if an action is time barred by
12 another provision of law or if the person from whom damages are
13 sought fraudulently conceals information about the product and that
14 conduct was a substantial cause of the claimant's harm.

15 4. This section shall not apply to any action to recover damages
16 allegedly resulting from exposure to asbestos, dioxins, or
17 polychlorinated biphenyls.

18 5. This section does not apply to any action to recover damages
19 for economic loss, personal injury, property damage or wrongful death
20 arising out of a defective or unsafe condition of any improvement to
21 real property.

537.763. 1. No manufacturer or seller of a product shall be held
2 liable in any product liability action where a proximate cause of the
3 personal injury, death, or damage to property was either an alteration
4 or modification of the product by an individual or entity other than the
5 manufacturer or seller, which alteration or modification occurred after
6 the product left the control of such manufacturer or such seller unless:

7 (1) The alteration or modification was in accordance with the
8 instructions or specifications of such manufacturer or such seller; or

9 (2) The alteration or modification was made with the express
10 consent of such manufacturer or such seller.

11 2. For the purposes of this section, "alteration or modification"
12 includes changes in the design, formula, function, or use of the product
13 from that originally designed, tested, or intended by the manufacturer.
14 The term "alteration or modification" includes failure to observe
15 routine care and maintenance, but does not include ordinary wear and
16 tear.

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