

SECOND REGULAR SESSION

SENATE BILL NO. 713

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Pre-filed December 14, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3039S.021

AN ACT

To repeal sections 512.180 and 512.190, RSMo 1994, relating to court procedures, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Sections 512.180 and 512.190, RSMo 1994, are repealed and one new section enacted in lieu thereof, to be known as section 512.180, to read as follows:

512.180. [1. Any person aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge, other than an associate circuit judge sitting in the probate division or who has been assigned to hear the case on the record under procedures applicable before circuit judges, shall have the right of a trial de novo in all cases where the petition claims damages not to exceed five thousand dollars.

2.] In all [other] contested civil cases tried **pursuant to the provisions of chapter 517, RSMo**, with or without a jury, before an associate circuit judge or on assignment under such procedures applicable before circuit judges or in any misdemeanor case or county ordinance violation case a record shall be kept, and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices.

[512.190. 1. The right of trial de novo provided in subsection 1 of section 512.180 shall be perfected by filing an application for trial de novo with the clerk serving the associate circuit judge within ten days after the judgment is rendered. A copy of the application shall be mailed by the clerk to the opposing party or his attorney of record or served upon him as provided by law for the service of notices within fifteen days after the

judgment was rendered. No application for a trial de novo shall stay execution unless and until the applicant, or some person for him, together with one or more solvent sureties to be approved by the associate circuit judge, within the time prescribed in the first sentence of this section, enter into a recognizance before the associate circuit judge to the adverse party, in a sum sufficient to secure the payment of such judgment and costs, conditioned that the applicant will prosecute his application for trial de novo with due diligence to a decision, and that if on such trial de novo judgment be given against him, he will pay such judgment, and that, if his application for trial de novo be dismissed, he will pay the judgment rendered by the associate circuit judge, together with the costs.

2. Appeals to the court of appeals or to the supreme court shall be governed by the same rules applicable to appeals from judgments rendered by circuit judges.]

Unofficial ✓

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