

SECOND REGULAR SESSION

SENATE BILL NO. 777

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR YECKEL.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3036S.011

AN ACT

To amend chapter 512, RSMo, by adding thereto one new section relating to appellate procedure.

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

Section A. Chapter 512, RSMo, is amended by adding thereto one new section, to be known as section 512.095, to read as follows:

512.095. 1. If a plaintiff in a civil action obtains a judgment for punitive or exemplary damages, any state supersedeas bond requirements shall be waived as that portion of the punitive or exemplary damages that exceeds one million dollars.

2. If the party seeking the appeal is a small business organized and doing business under the laws of this state, any state supersedeas bond requirements shall be waived as to that portion of the punitive or exemplary damages that exceeds one hundred thousand dollars. The term "small business" shall have the same meaning as defined in section 620.1048, RSMo.

3. If the plaintiff proves by a preponderance of the evidence that any appellant for whom the supersedeas bond requirement has been waived is purposefully dissipating its assets or diverting assets outside the jurisdiction of the United States courts, the waiver shall be rescinded and the bond requirement shall be reinstated for the full amount of the judgment, pursuant to section 512.080.

4. A court may otherwise waive the filing of a supersedeas bond as to punitive or exemplary damages in a civil action for good cause shown.