

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 220

AN ACT

To amend chapter 516, RSMo, by adding thereto one new section relating to time limitations for filing claims which arise out of a defective or unsafe condition of a product.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapter 516, RSMo, is amended by adding thereto
2 one new section, to be known as section 516.099, to read as
3 follows:

4 516.099. 1. Any action to recover damages for economic
5 loss, personal injury, property damage, or wrongful death arising
6 out of a defective or unsafe condition of any item that is sold,
7 leased, or otherwise placed in the stream of commerce, or arising
8 out of the negligent design, manufacture, sale, or distribution
9 of any such item, shall be commenced within ten years of the date
10 on which such item is first sold or leased to any person, or
11 first otherwise placed into the stream of commerce.

12 2. This section shall apply to all actions falling within
13 it, whether arising under the common law or by operation of
14 statute, except that if an action within this section is barred
15 by another provision of law, that other provision of law shall
16 govern.

1 3. This section shall not apply:

2 (1) To any action brought with respect to an item that is
3 real property or an improvement to real property;

4 (2) If the person against whom an action is brought has
5 knowingly concealed any defective or unsafe condition in the item
6 that is the subject of the action, or has knowingly concealed any
7 negligence in the item's construction, manufacture, sale,
8 distribution, or placing into the stream of commerce, and if any
9 matter so concealed directly resulted in the economic loss,
10 personal injury, property damage, or wrongful death for which the
11 action is brought;

12 (3) If a manufacturer, lessor, seller, or person who first
13 placed an item in the stream of commerce against whom an action
14 within this section is brought brings an action for indemnity or
15 contribution against a person who is or may be liable to such
16 person for all or any portion of any judgment rendered against
17 such person, in which event such action for indemnity or
18 contribution shall not be barred by this section;

19 (4) If a manufacturer, lessor, seller, or person who first
20 placed an item in the stream of commerce has stated in a written
21 warranty or an advertisement to the public that the item has an
22 expected useful life for a period certain that is greater than
23 ten years, in which event any action that is otherwise within
24 this section and is not barred by any other provision of law
25 shall be brought no later than two years following the expiration
26 of that period certain;

27 (5) To any action regarding negligent service or negligent
28 maintenance of a product; or

1 (6) To any action regarding a defective or unsafe condition
2 of an item causing a respiratory or malignant disease with a
3 latency of greater than ten years.

4 4. This section shall apply to all civil actions commenced
5 on or after August 28, 2017, or any new causes of action asserted
6 in civil actions pending on that date, except that any cause of
7 action falling within this section that accrued on or before
8 August 28, 2017, may in any event be brought not later than
9 August 28, 2018, unless barred by another provision of law.