

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 596

99TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, February 15, 2018, with recommendation that the Senate Committee Substitute do pass.

4176S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 516, RSMo, by adding thereto one new section relating to time limitations for filing certain claims for damages.

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

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

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

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

3. This section shall not apply:

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

(2) If the person against whom an action is brought has knowingly concealed any defective or unsafe condition in the item that is the subject of the action, or has knowingly concealed any negligence in the item's construction, manufacture, sale, distribution, or placing into the stream of commerce, and if any matter so concealed directly

21 resulted in the economic loss, personal injury, property damage, or
22 wrongful death for which the action is brought;

23 (3) If a manufacturer, lessor, seller, or person who first placed
24 an item in the stream of commerce against whom an action within this
25 section is brought brings an action for indemnity or contribution
26 against a person who is or may be liable to such person for all or any
27 portion of any judgment rendered against such person, in which event
28 such action for indemnity or contribution shall not be barred by this
29 section;

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

37 (5) To any action regarding negligent service or negligent
38 maintenance of a product; or

39 (6) To any action regarding a defective or unsafe condition of an
40 item causing a respiratory or malignant disease with a latency of
41 greater than ten years. However, the exceptions provided for in this
42 subdivision shall not apply to strict product liability or negligence
43 actions against a seller of a product, in which the product is alleged to
44 contain or possess a defective condition unreasonably dangerous to the
45 buyer, user, or consumer, unless such seller is also the manufacturer of
46 the product or part claimed to be defective.

47 4. This section shall apply to all civil actions commenced on or
48 after August 28, 2018, or any new causes of action asserted in civil
49 actions pending on that date, except that any cause of action falling
50 within this section that accrued on or before August 28, 2018, may in
51 any event be brought not later than August 28, 2019, unless barred by
52 another provision of law.

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