

FIRST REGULAR SESSION

SENATE BILL NO. 135

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0419S.01I

AN ACT

To repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to the exemption from attachment of a person's interest in proceeds from a personal injury claim.

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

Section A. Section 513.430, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 513.430, to read as follows:

513.430. 1. The following property shall be exempt from attachment and
2 execution to the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances,
4 books, animals, crops or musical instruments that are held primarily for personal,
5 family or household use of such person or a dependent of such person, not to
6 exceed three thousand dollars in value in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in
8 value and other jewelry held primarily for the personal, family or household use
9 of such person or a dependent of such person, not to exceed five hundred dollars
10 in value in the aggregate;

11 (3) Any other property of any kind, not to exceed in value six hundred
12 dollars in the aggregate;

13 (4) Any implements or professional books or tools of the trade of such
14 person or the trade of a dependent of such person not to exceed three thousand
15 dollars in value in the aggregate;

16 (5) Any motor vehicles, not to exceed three thousand dollars in value in
17 the aggregate;

18 (6) Any mobile home used as the principal residence but not attached to
19 real property in which the debtor has a fee interest, not to exceed five thousand

20 dollars in value;

21 (7) Any one or more unmaturred life insurance contracts owned by such
22 person, other than a credit life insurance contract, and up to fifteen thousand
23 dollars of any maturated life insurance proceeds for actual funeral, cremation, or
24 burial expenses where the deceased is the spouse, child, or parent of the
25 beneficiary;

26 (8) The amount of any accrued dividend or interest under, or loan value
27 of, any one or more unmaturred life insurance contracts owned by such person
28 under which the insured is such person or an individual of whom such person is
29 a dependent; provided, however, that if proceedings under Title 11 of the United
30 States Code are commenced by or against such person, the amount exempt in
31 such proceedings shall not exceed in value one hundred fifty thousand dollars in
32 the aggregate less any amount of property of such person transferred by the life
33 insurance company or fraternal benefit society to itself in good faith if such
34 transfer is to pay a premium or to carry out a nonforfeiture insurance option and
35 is required to be so transferred automatically under a life insurance contract with
36 such company or society that was entered into before commencement of such
37 proceedings. No amount of any accrued dividend or interest under, or loan value
38 of, any such life insurance contracts shall be exempt from any claim for child
39 support. Notwithstanding anything to the contrary, no such amount shall be
40 exempt in such proceedings under any such insurance contract which was
41 purchased by such person within one year prior to the commencement of such
42 proceedings;

43 (9) Professionally prescribed health aids for such person or a dependent
44 of such person;

45 (10) Such person's right to receive:

46 (a) A Social Security benefit, unemployment compensation or a public
47 assistance benefit;

48 (b) A veteran's benefit;

49 (c) A disability, illness or unemployment benefit;

50 (d) Alimony, support or separate maintenance, not to exceed seven
51 hundred fifty dollars a month;

52 (e) Any payment under a stock bonus plan, pension plan, disability or
53 death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan
54 described, defined, or established pursuant to section 456.014, the person's right
55 to a participant account in any deferred compensation program offered by the

56 state of Missouri or any of its political subdivisions, or annuity or similar plan or
57 contract on account of illness, disability, death, age or length of service, to the
58 extent reasonably necessary for the support of such person and any dependent of
59 such person unless:

60 a. Such plan or contract was established by or under the auspices of an
61 insider that employed such person at the time such person's rights under such
62 plan or contract arose;

63 b. Such payment is on account of age or length of service; and

64 c. Such plan or contract does not qualify under Section 401(a), 403(a),
65 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26
66 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);

67 except that any such payment to any person shall be subject to attachment or
68 execution pursuant to a qualified domestic relations order, as defined by Section
69 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in
70 any proceeding for dissolution of marriage or legal separation or a proceeding for
71 disposition of property following dissolution of marriage by a court which lacked
72 personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of
73 marital property at the time of the original judgment of dissolution;

74 (f) Any money or assets, payable to a participant or beneficiary from, or
75 any interest of any participant or beneficiary in, a retirement plan, profit-sharing
76 plan, health savings plan, or similar plan, including an inherited account or plan,
77 that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the
78 Internal Revenue Code of 1986, as amended, whether such participant's or
79 beneficiary's interest arises by inheritance, designation, appointment, or
80 otherwise, except as provided in this paragraph. Any plan or arrangement
81 described in this paragraph shall not be exempt from the claim of an alternate
82 payee under a qualified domestic relations order; however, the interest of any and
83 all alternate payees under a qualified domestic relations order shall be exempt
84 from any and all claims of any creditor, other than the state of Missouri through
85 its department of social services. As used in this paragraph, the terms "alternate
86 payee" and "qualified domestic relations order" have the meaning given to them
87 in Section 414(p) of the Internal Revenue Code of 1986, as amended. If
88 proceedings under Title 11 of the United States Code are commenced by or
89 against such person, no amount of funds shall be exempt in such proceedings
90 under any such plan, contract, or trust which is fraudulent as defined in
91 subsection 2 of section 428.024 and for the period such person participated within

92 three years prior to the commencement of such proceedings. For the purposes of
93 this section, when the fraudulently conveyed funds are recovered and after, such
94 funds shall be deducted and then treated as though the funds had never been
95 contributed to the plan, contract, or trust;

96 (11) The debtor's right to receive, or property that is traceable to, a
97 payment on account of the wrongful death of an individual of whom the debtor
98 was a dependent, to the extent reasonably necessary for the support of the debtor
99 and any dependent of the debtor;

100 (12) Firearms, firearm accessories, and ammunition, not to exceed one
101 thousand five hundred dollars in value in the aggregate;

102 **(13) The debtor's right to receive, or property that is traceable**
103 **to, a payment or payments on account of personal bodily injury of the**
104 **debtor or an individual of whom the debtor is a dependent.**

105 2. Nothing in this section shall be interpreted to exempt from attachment
106 or execution for a valid judicial or administrative order for the payment of child
107 support or maintenance any money or assets, payable to a participant or
108 beneficiary from, or any interest of any participant or beneficiary in, a retirement
109 plan which is qualified pursuant to Section 408A of the Internal Revenue Code
110 of 1986, as amended.

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