SENATE SUBSTITUTE

FOR

SENATE BILL NO. 7

AN ACT

To amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

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 product 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 product shall be commenced within fifteen years of the date on which such product is first sold or leased to any person or 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, such other provision of law shall govern.

3. This section shall not apply:

(1) To any action brought with respect to a product 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 product that is the subject of the action, or has knowingly concealed any negligence in the product's construction, manufacture, sale, distribution, or placing

into the stream of commerce, and if any matter so concealed directly resulted in the economic loss, personal injury, property damage, or wrongful death for which the action is brought;

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

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

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

(6) To any action regarding a defective or unsafe condition of a product if the product is subject to a government mandated product recall related to consumer safety, provided that the action shall be limited to the extent that the subject of the action and the underlying reason for the recall are the same;

(7) To any action regarding a defective or unsafe condition of a product causing a respiratory or malignant disease with a latency of more than fifteen years. No action shall be commenced under this subdivision based upon

strict product liability, or negligence against a seller of a product, in which the product is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer, unless such seller is also the manufacturer of the product claimed to be defective; or

(8) Notwithstanding subdivision (4) of this subsection, to any action against a manufacturer of a mechanical device where the harm occurred during the useful safe life of the product. In determining whether a product's useful safe life has expired, the trier of fact may consider:

(a) The amount of wear and tear to which the product had been subject;

(b) The effect of deterioration from natural causes, and from climate and other conditions under which the product was used or stored;

(c) The normal practices of the user, similar users, and the product seller with respect to the circumstances, frequency, and purposes of the product's use, and with respect to repairs, renewals, and replacements;

(d) Any representations, instructions, or warnings made by the product manufacturer concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product; and

(e) Any modification or alteration of the product by a user or third party.

4. This section shall apply to all civil actions commenced on or after August 28, 2021, or any new causes of action asserted in civil actions pending on or after that date; except that, any cause of action falling within this section that accrued on or before August 28, 2021, may, in any event, be brought no later than August 28, 2022, unless barred by another provision of law.