

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 631

AN ACT

To repeal sections 516.120, 516.140, and 537.1035, RSMo, and to enact in lieu thereof three new sections relating to civil actions.

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

Section A. Sections 516.120, 516.140, and 537.1035, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 516.120, 516.140, and 537.1035, to read as follows:

516.120. Within five years:

(1) All actions upon contracts, obligations or liabilities, express or implied, except those mentioned in section 516.110 and section 516.140, and except upon judgments or decrees of a court of record, and except where a different time is herein limited;

(2) An action upon a liability created by a statute other than a penalty or forfeiture;

(3) An action for trespass on real estate;

(4) An action for taking, detaining or injuring any goods or chattels, including actions for the recovery of specific personal property[, or for any other injury to the person or rights of another, not arising on contract and not herein otherwise enumerated];

(5) An action for relief on the ground of fraud, the cause of action in such case to be deemed not to have accrued until the discovery by the aggrieved party, at any time within ten years, of the facts constituting the fraud.

516.140. Within two years:

(1) An action for libel, slander, injurious falsehood, assault, battery, false imprisonment, criminal conversation, malicious prosecution or actions brought under section 290.140[.];

(2) An action by an employee for the payment of unpaid minimum wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum wages or overtime compensation, and for the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an act of Congress, shall be brought within two years after the cause accrued;

(3) An action for any injury to the person or rights of another, not arising on contract and not otherwise provided for by law, including actions for personal injury or bodily injury;

(4) An action against an insurer relating to uninsured motorist coverage or underinsured motorist coverage, including any action to enforce such coverage.

537.1035. 1. The provisions of sections 537.1000 to 537.1035 shall expire four years after August 28, 2021, but shall continue to apply to causes of action accruing before that date. Any causes of action that are prohibited or time-barred under sections 537.1000 to 537.1035 will remain so after the expiration of sections 537.1000 to 537.1035.

2. Except as otherwise explicitly provided for in the provisions of sections 537.1000 to 537.1035, nothing in sections 537.1000 to 537.1035 expands any liability otherwise imposed or limits any defense otherwise available.

3. (1) A statutory cause of action for damages arising out of an actual, feared, or potential for exposure to COVID-19, an act or omission by a health care provider in the course of arranging for or providing COVID-19 related

health care services, or the design, manufacturing, importing, distribution, labeling, packaging, lease, sale, or donation of a covered product is hereby created in sections 537.1000 to 537.1035, replacing any such common law cause of action and, except as described in subdivisions (2) to (11) of this subsection, sections 537.1000 to 537.1035 preempts and supersedes any state law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to the recovery for personal injuries caused by actual, alleged, feared, or potential for exposure to COVID-19, personal injuries caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing COVID-19 related health care services, or personal injuries caused by the design, manufacturing, importing, distribution, labeling, packaging, lease, sale, or donation of a covered product.

(2) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law that imposes stricter limits on damages or liabilities for personal injury or otherwise affords greater protection to defendants in any COVID-19 related action than are provided in sections 537.1000 to 537.1035. Any such provision of law shall be applied in addition to the requirements of sections 537.1000 to 537.1035 and not in lieu thereof.

(3) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of chapters 213, 285, and 287.

(4) Nothing in sections 537.1000 to 537.1035 shall be construed to impair, limit, or affect the authority of the state or local government to bring any criminal, civil, or

administrative enforcement action against any individual or entity.

(5) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law that creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion, sex including pregnancy, disability, genetic information, or age.

(6) Nothing in sections 537.1000 to 537.1035 shall be construed to require or mandate a vaccination or affect the applicability of any provision of law that creates a cause of action for a vaccine-related personal injury.

(7) Nothing in sections 537.1000 to 537.1035 shall prohibit an individual or entity from instituting a cause of action regarding an order issued by the state or a local government that requires an individual or entity engaged in businesses, services, activities, or accommodations to temporarily or permanently cease operation of such businesses, services, activities, or accommodations.

(8) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law providing for a cause of action for breach of a contract insuring against business interruption or for any action brought pursuant to section 375.296, alleging that an insurer has failed or refused to pay a contract insuring against business interruption. In any such cause of action, an insurer shall be entitled to raise all affirmative defenses to which it is entitled.

(9) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law providing for a cause of action alleging price gouging, noneducational related canceled events, or payment of membership fees.

(10) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of any provision of law providing for a cause of action for breach of a contract against an educational institution for the refund of tuition or costs.

(11) Nothing in sections 537.1000 to 537.1035 shall be construed to affect the applicability of chapters 441, 534, and 535 relating to residential property.

4. A COVID-19 exposure action shall not be commenced in any court of this state later than two years after the date of the actual, alleged, feared, or potential for exposure to COVID-19.

5. A COVID-19 medical liability action shall not be commenced in any court of this state later than one year after the date of the discovery of the alleged harm, damage, breach, or tort unless tolled for proof of fraud, intentional concealment, or the presence of a foreign body which has no therapeutic or diagnostic purpose or effect in the person of the injured person.

6. A COVID-19 products liability action shall not be commenced in any court of this state later than two years after the date of the alleged harm, damage, breach, or tort unless tolled for proof of fraud or intentional concealment.