

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 631

101ST GENERAL ASSEMBLY

4039S.03C

ADRIANE D. CROUSE, Secretary

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,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 516.120, 516.140, and 537.1035, to read as
4 follows:

516.120. Within five years:

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

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

9 (3) An action for trespass on real estate;

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

15 (5) An action for relief on the ground of fraud, the
16 cause of action in such case to be deemed not to have

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 accrued until the discovery by the aggrieved party, at any
18 time within ten years, of the facts constituting the fraud.

516.140. Within two years:

2 **(1)** An action for libel, slander, injurious falsehood,
3 assault, battery, false imprisonment, criminal conversation,
4 malicious prosecution or actions brought under section
5 290.140[.];

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

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

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

537.1035. 1. The provisions of sections 537.1000 to
2 537.1035 shall expire four years after August 28, 2021, **but**
3 **shall continue to apply to causes of action accruing before**
4 **that date. Any causes of action that are prohibited or time-**
5 **barred under sections 537.1000 to 537.1035 will remain so**
6 **after the expiration of sections 537.1000 to 537.1035.**

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

11 3. (1) A statutory cause of action for damages
12 arising out of an actual, feared, or potential for exposure
13 to COVID-19, an act or omission by a health care provider in
14 the course of arranging for or providing COVID-19 related
15 health care services, or the design, manufacturing,
16 importing, distribution, labeling, packaging, lease, sale,
17 or donation of a covered product is hereby created in
18 sections 537.1000 to 537.1035, replacing any such common law
19 cause of action and, except as described in subdivisions (2)
20 to (11) of this subsection, sections 537.1000 to 537.1035
21 preempts and supersedes any state law, including statutes,
22 regulations, rules, or standards that are enacted,
23 promulgated, or established under common law, related to the
24 recovery for personal injuries caused by actual, alleged,
25 feared, or potential for exposure to COVID-19, personal
26 injuries caused by, arising out of, or related to an act or
27 omission by a health care provider in the course of
28 arranging for or providing COVID-19 related health care
29 services, or personal injuries caused by the design,
30 manufacturing, importing, distribution, labeling, packaging,
31 lease, sale, or donation of a covered product.

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

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

44 (4) Nothing in sections 537.1000 to 537.1035 shall be
45 construed to impair, limit, or affect the authority of the
46 state or local government to bring any criminal, civil, or
47 administrative enforcement action against any individual or
48 entity.

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

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

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

66 (8) Nothing in sections 537.1000 to 537.1035 shall be
67 construed to affect the applicability of any provision of
68 law providing for a cause of action for breach of a contract
69 insuring against business interruption or for any action
70 brought pursuant to section 375.296, alleging that an
71 insurer has failed or refused to pay a contract insuring
72 against business interruption. In any such cause of action,

73 an insurer shall be entitled to raise all affirmative
74 defenses to which it is entitled.

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

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

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

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

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

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

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