

SECOND REGULAR SESSION

# SENATE BILL NO. 1234

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

3365S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions.

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

Section A. Chapter 537, RSMo, is amended by adding thereto  
2 one new section, to be known as section 537.767, to read as  
3 follows:

537.767. 1. In any civil action for personal injury,  
2 death, or property damage caused by a product, regardless of  
3 the type of claims alleged or the theory of liability  
4 asserted, the plaintiff shall prove, among other elements,  
5 that the defendant designed, manufactured, sold, or leased  
6 the particular product the use of which is alleged to have  
7 caused the injury on which the claim is based, and not a  
8 similar or equivalent product. Designers, manufacturers,  
9 sellers, or lessors of products not identified as having  
10 been used, ingested, or encountered by an allegedly injured  
11 party shall not be held liable for any alleged injury. A  
12 person, firm, corporation, association, partnership, or  
13 other legal or business entity whose design is copied or  
14 otherwise used by a manufacturer without the designer's  
15 express authorization shall not be subject to liability for  
16 personal injury, death, or property damage caused by the  
17 manufacturer's product, even if the use of the design was  
18 foreseeable.

19           2. This section shall not alter or affect any other  
20 provision of law, including those provisions relating to  
21 mislabeling, fraud, and deceptive merchandising practices  
22 and those provisions that apply to successor entities,  
23 distributors, component manufacturers, or manufacturers who  
24 use component parts in assembling products for sale as  
25 complete units or those provisions that apply to the  
26 operation of a contract, including a licensing agreement.

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