

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 835 & 1111

AN ACT

To repeal sections 476.055, 478.003, 478.700, 488.426, 513.380, 513.430, 513.475, and 537.528, RSMo, and to enact in lieu thereof eleven new sections relating to court procedures, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 476.055, 478.003, 478.700, 488.426,
2 513.380, 513.430, 513.475, and 537.528, RSMo, are repealed and
3 eleven new sections enacted in lieu thereof, to be known as
4 sections 379.135, 476.055, 478.003, 478.700, 488.426, 513.380,
5 513.423, 513.430, 513.475, 525.235, and 537.529, to read as
6 follows:

379.135. 1. Upon payment by an insurer of all or any
2 part of a claimant's property damage claim, legal title to
3 the portion of the claim paid shall vest in the insurer to
4 the extent of such payment. No assignment or other action
5 by the claimant shall be required for the insurer to enforce
6 its legal title. The claimant shall retain legal title only
7 to that portion of the property damage claim not paid by the
8 insurer.

9 2. As used in this section, "assignment agreement"
10 means any instrument by which post-loss benefits under any
11 policy of insurance covering property, including, but not
12 limited to, any right of action against the insurer or any
13 proceeds acquired from the insurer are assigned,
14 transferred, or acquired in any other manner, in whole or in
15 part, to or from a person providing services, including, but
16 not limited to, communicating with an insurer or on an
17 insured's behalf or inspecting, estimating, protecting,
18 repairing, restoring, or replacing the property or
19 mitigating against further damage to the property.

20 3. (1) A person shall not solicit or accept an
21 assignment, in whole or in part, of any post-loss insurance
22 benefit for property damage under a contract of insurance.
23 An assignment agreement is against public policy and is null
24 and void, and any contract entered into in violation of this
25 section shall be void and unenforceable; and

26 (2) The provisions of this subsection shall not apply
27 to an assignment, transfer, pledge, or conveyance granted to
28 a financial institution, mortgagee, lienholder or a
29 subsequent purchaser of the property; and

30 (3) The provisions of this subsection shall not apply
31 to any covenant not to execute or contract to limit recovery
32 under section 537.065.

33 4. A violation of subsection 3 of this section shall
34 be considered a level two violation under section 374.049.

35 5. Nothing in this section shall be construed to
36 prohibit an insured from authorizing or directing payment
37 to, or paying, a person for services, materials, or any
38 other thing which may be, or is, covered under an insurance
39 policy. Insurers shall issue payment directly to a person
40 for services, materials, and other items that are covered
41 under an insurance policy, when the insured agrees that any

42 person providing such services should be paid directly,
43 subject to applicable liens.

476.055. 1. There is hereby established in the state
2 treasury the "Statewide Court Automation Fund". All moneys
3 collected pursuant to section 488.027, as well as gifts,
4 contributions, devises, bequests, and grants received
5 relating to statewide court automation [of judicial record
6 keeping], and moneys received by the [judicial system]
7 judiciary for the dissemination of information [and], sales
8 of publications, or other provision of electronic services
9 developed relating to statewide court automation [of
10 judicial record keeping], as authorized by the court
11 automation committee, shall be credited to the fund. Moneys
12 credited to this fund may only be used for the purposes set
13 forth in this section and as appropriated by the general
14 assembly. Any unexpended balance remaining in the statewide
15 court automation fund at the end of each biennium shall not
16 be subject to the provisions of section 33.080 requiring the
17 transfer of such unexpended balance to general revenue.

18 2. The statewide court automation fund shall be
19 administered by a court automation committee consisting of
20 the following¹: the chief justice of the supreme court,
21 members:

22 (1) A judge from the court of appeals, four circuit
23 judges, four associate circuit judges, four employees of
24 [the circuit court,] circuit courts, and two employees who
25 work full time in a municipal division of a circuit court,
26 [the commissioner of administration,] each of whom shall be
27 appointed by the chief justice of the Missouri supreme court;

28 (2) Two members of the Missouri Bar, appointed by the
29 board of governors of the Missouri Bar;

30 (3) Two members of the house of representatives
31 appointed by the speaker of the house, with one member being

32 from the majority party and one member being from the
33 minority party;

34 (4) Two members of the senate appointed by the
35 president pro [tem] tempore of the senate, with one member
36 being from the majority party and one member being from the
37 minority party; and

38 (5) Four additional ex officio members as follows:

39 (a) The chief justice of the Missouri supreme court,
40 or the chief justice's designee;

41 (b) The commissioner of administration, or the
42 commissioner's designee;

43 (c) The executive director of the Missouri [Office of
44 Prosecution Services,] office of prosecution services, or
45 the executive director's designee; and

46 (d) The director of the state public defender system,
47 [and two members of the Missouri Bar. The judge members and
48 employee members shall be appointed by the chief justice.
49 The commissioner of administration shall serve ex officio.
50 The members of the Missouri Bar shall be appointed by the
51 board of governors of the Missouri Bar. Any member of the
52 committee may designate another person to serve on the
53 committee in place of the committee member] or the
54 director's designee.

55 The appointed members of the committee shall serve for terms
56 of two years and until their successors are appointed and
57 qualified. The members of the committee shall be reimbursed
58 from the statewide court automation fund for their actual
59 expenses in performing their official duties on the
60 committee.

61 3. The committee shall develop and [implement a plan
62 for] maintain a statewide court automation system. The
63 committee shall have the authority to hire consultants,

64 review systems in other jurisdictions, and purchase goods
65 and services to administer the provisions of this section.
66 The committee may implement [one or more] pilot projects in
67 the state [for the purposes of determining the feasibility
68 of developing and implementing such plan. The members of
69 the committee shall be reimbursed from the court automation
70 fund for their actual expenses in performing their official
71 duties on the committee] at any time.

72 4. Any purchase of computer software or computer
73 hardware that exceeds five thousand dollars shall be made
74 pursuant to the requirements of the office of administration
75 for lowest and best bid. Such bids shall be subject to
76 acceptance by the office of administration. The court
77 automation committee shall determine the specifications for
78 such bids.

79 5. The court automation committee shall not require
80 any circuit court to change any operating system in such
81 court, unless the committee provides all [necessary]
82 personnel, funds, and equipment necessary to effectuate the
83 required changes. No judicial circuit or county may be
84 reimbursed for any costs incurred pursuant to this
85 subsection unless such judicial circuit or county has the
86 approval of the court automation committee prior to
87 incurring the specific cost.

88 6. [Any] The court automation system, including any
89 pilot project, shall be [implemented,] operated and
90 maintained in accordance with strict standards for the
91 security and privacy of confidential judicial records, as
92 provided by supreme court rule. Any person who knowingly
93 releases information from a confidential judicial record is
94 guilty of a class B misdemeanor. Any person who, knowing
95 that a judicial record is confidential, uses information

96 from such confidential judicial record for financial gain is
97 guilty of a class E felony.

98 7. [On the first day of February, May, August and
99 November] No later than the fifteenth of January of each
100 year, the court automation committee shall electronically
101 file a report on the progress of the statewide court
102 automation system with the chairs of the following
103 committees:

104 (1) The [chair of the] house budget committee, or its
105 successor committee;

106 (2) The [chair of the] senate appropriations
107 committee, or its successor committee;

108 (3) The [chair of the] house judiciary committee, or
109 its successor committee; and

110 (4) The [chair of the] senate judiciary committee, or
111 its successor committee.

112 [8. The court automation committee established
113 pursuant to this section may continue to function until
114 completion of its duties prescribed by this section.]

478.003. 1. In any judicial circuit of this state, a
2 majority of the judges of the circuit court may designate a
3 judge to hear cases arising in the circuit subject to the
4 provisions of sections 478.001 to 478.009. In lieu thereof
5 and subject to appropriations or other funds available for
6 such purpose, a majority of the judges of the circuit court
7 may appoint a person or persons to act as treatment court
8 commissioners. Each commissioner shall be appointed for a
9 term of four years, but may be removed at any time by a
10 majority of the judges of the circuit court. The
11 qualifications, compensation, and retirement benefits of the
12 commissioner shall be the same as that of an associate
13 circuit judge. If the compensation of a commissioner
14 appointed pursuant to this section is provided from other

15 than state funds, the source of such fund shall pay to and
16 reimburse the state for the actual costs of the salary and
17 benefits of the commissioner. The commissioner shall have
18 all the powers and duties of a circuit judge, except that
19 any order, judgment or decree of the commissioner shall be
20 confirmed or rejected by an associate circuit or circuit
21 judge by order of record entered within the time the judge
22 could set aside such order, judgment or decree had the same
23 been made by the judge. If so confirmed, the order,
24 judgment or decree shall have the same effect as if made by
25 the judge on the date of its confirmation.

26 2. The Missouri supreme court may assign a treatment
27 court commissioner to serve in the treatment court division
28 of a circuit other than the circuit in which the
29 commissioner is appointed. The transfer shall only be
30 ordered with the consent and approval of the presiding judge
31 of the circuit to which the commissioner is to be assigned.

32 3. A treatment court commissioner may serve as a
33 commissioner in any treatment court as designated by the
34 treatment court coordinating commission, subject to local
35 court rules.

36 4. In each circuit having a treatment court division
37 that has neither a treatment court administrator nor a
38 treatment court commissioner, the court shall employ a
39 treatment court administrator, subject to appropriations or
40 other funds available for such purpose. If the compensation
41 of an administrator employed pursuant to this subsection is
42 provided from other than state funds, the source of such
43 funds shall pay to and reimburse the state for the actual
44 costs of the salary and benefits of the administrator.

478.700. 1. There shall be [two] three circuit judges
2 in the twenty-fifth judicial circuit [consisting of the
3 counties of Maries, Phelps, Pulaski and Texas]. These

4 judges shall sit in divisions numbered one [and], two, and
5 three. These judgeships shall include the circuit judgeship
6 created in fiscal year 2026 under section 478.330.

7 2. The circuit judge in division two shall be elected
8 in 1980. The circuit judge in division one shall be elected
9 in 1982. The circuit judge appointed by the governor in
10 2025 for division three shall serve until January 1, 2029.
11 A circuit judge for division three shall be elected in 2028
12 for a four-year term and in 2032 for a full six-year term
13 and every six years thereafter.

488.426. 1. The judges of the circuit court, en banc,
2 in any circuit in this state may require any party filing a
3 civil case in the circuit court, at the time of filing the
4 suit, to deposit with the clerk of the court a surcharge in
5 addition to all other deposits required by law or court
6 rule. Sections 488.426 to 488.432 shall not apply to
7 proceedings when costs are waived or are to be paid by the
8 county or state or any city.

9 2. The surcharge in effect on August 28, 2001, shall
10 remain in effect until changed by the circuit court. The
11 circuit court in any circuit, except the circuit court in
12 Jackson County, the circuit court in the city of St. Louis,
13 or the circuit court in any circuit that reimburses the
14 state for the salaries of family court commissioners under
15 and pursuant to section 487.020, may change the fee to any
16 amount not to exceed fifteen dollars. The circuit court in
17 Jackson County, the circuit court in the city of St. Louis,
18 or the circuit court in any circuit that reimburses the
19 state for the salaries of family court commissioners under
20 and pursuant to section 487.020 may change the fee to any
21 amount not to exceed twenty dollars. A change in the fee
22 shall become effective and remain in effect until further
23 changed.

24 3. Sections 488.426 to 488.432 shall not apply to
25 proceedings when costs are waived or are paid by the county
26 or state or any city.

27 [4. In addition to any fee authorized by subsection 1
28 of this section, any county of the first classification with
29 more than one hundred one thousand but fewer than one
30 hundred fifteen thousand inhabitants may impose an
31 additional fee of ten dollars excluding cases concerning
32 adoption and those in small claims court. The provisions of
33 this subsection shall expire on December 31, 2019.]

 513.380. 1. [Whenever an execution against the
2 property of any judgment debtor, individual or corporate,
3 issued from any court in this state, shall be returned
4 unsatisfied, in whole or in part, by any sheriff or other
5 proper officer, the] A judgment creditor [in such execution,
6 his executor, administrator or assign, may,] shall upon
7 motion made at any time [within five years after such return
8 so made] before the judgment has been satisfied of record by
9 the judgment creditor and before the judgment being presumed
10 paid and satisfied under section 516.350, be entitled to an
11 order by the court rendering such judgment, requiring the
12 judgment debtor or, in the case of a corporate judgment
13 debtor, its chief officer to appear before such court at a
14 time and place in said order to be named, to undergo an
15 examination under oath touching his or her ability and means
16 to satisfy said judgment, and in case of neglect or refusal
17 on the part of such judgment debtor or, in the case of a
18 corporate debtor, its chief officer to obey such order, such
19 court is hereby authorized to issue a writ of attachment
20 against said debtor, as now provided by law, and to punish
21 him or, in the case of a corporate debtor, its chief officer
22 for contempt.

23 2. [Any prosecuting attorney or circuit attorney may
24 grant use immunity from prosecution to a judgment debtor for
25 any statement made at a judgment debtor's examination
26 conducted pursuant to subsection 1 of this section. Such
27 use immunity from prosecution shall protect such person from
28 prosecution for any offense related to the content of the
29 statements made] For any statement made at a judgment
30 debtor's examination and conducted pursuant to subsection 1
31 of this section, a judgment debtor shall enjoy full use
32 immunity and derivative use immunity from prosecution
33 coextensive with their constitutional privilege against self-
34 incrimination. No testimony or other information directly
35 or indirectly derived therefrom, compelled under subsection
36 1 of this section, may be used against the witness in any
37 criminal case, except a prosecution for perjury or giving a
38 false statement.

513.423. 1. On April 1, 2029, and on each three-year
2 interval ending on April first thereafter, each dollar
3 amount in effect under sections 513.430 and 513.475 shall be
4 adjusted:

5 (1) To reflect the change in the Consumer Price Index
6 for All Urban Consumers, published by the United States
7 Department of Labor, or its successor index, for the most
8 recent three-year period ending immediately before January
9 first preceding such April first; and

10 (2) To round to the nearest twenty-five dollars the
11 dollar amount that represents such change.

12 2. Not later than March 1, 2029, and at each three-
13 year interval ending on March first thereafter, the revisor
14 of statutes shall publish a schedule of adjusted dollar
15 amounts, which will become effective on such April first,
16 annually in an appendix to the revised statutes of
17 Missouri. The revisor of statutes shall place a revisor's

18 note following section 513.430 or 513.475 referencing the
19 appendix of the adjusted dollar amount.

20 3. Adjustments made in accordance with subsection 1 of
21 this section shall not apply with respect to cases commenced
22 before the date of such adjustments.

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

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

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

15 (3) Any other property of any kind, not to exceed in
16 value ~~six~~ one thousand seven hundred dollars in the
17 aggregate;

18 (4) Any implements or professional books or tools of
19 the trade of such person or the trade of a dependent of such
20 person not to exceed three thousand dollars in value in the
21 aggregate;

22 (5) Any motor vehicles, not to exceed ~~three~~ five
23 thousand dollars in value in the aggregate plus up to ten
24 thousand dollars of any unused amount of the exemption
25 provided under subdivision (1) of this subsection may be
26 allocated to a motor vehicle;

27 (6) Any mobile home used as the principal residence
28 but not attached to real property in which the debtor has a

29 fee interest, not to exceed [five] twelve thousand dollars
30 in value;

31 (7) Any one or more unmaturred life insurance contracts
32 owned by such person, other than a credit life insurance
33 contract, and up to fifteen thousand dollars of any matured
34 life insurance proceeds for actual funeral, cremation, or
35 burial expenses where the deceased is the spouse, child, or
36 parent of the beneficiary;

37 (8) The amount of any accrued dividend or interest
38 under, or loan value of, any one or more unmaturred life
39 insurance contracts owned by such person under which the
40 insured is such person or an individual of whom such person
41 is a dependent; provided, however, that if proceedings under
42 Title 11 of the United States Code are commenced by or
43 against such person, the amount exempt in such proceedings
44 shall not exceed in value one hundred fifty thousand dollars
45 in the aggregate less any amount of property of such person
46 transferred by the life insurance company or fraternal
47 benefit society to itself in good faith if such transfer is
48 to pay a premium or to carry out a nonforfeiture insurance
49 option and is required to be so transferred automatically
50 under a life insurance contract with such company or society
51 that was entered into before commencement of such
52 proceedings. No amount of any accrued dividend or interest
53 under, or loan value of, any such life insurance contracts
54 shall be exempt from any claim for child support.

55 Notwithstanding anything to the contrary, no such amount
56 shall be exempt in such proceedings under any such insurance
57 contract which was purchased by such person within one year
58 prior to the commencement of such proceedings;

59 (9) Professionally prescribed health aids for such
60 person or a dependent of such person;

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

62 (a) A Social Security benefit, unemployment
63 compensation or a public assistance benefit;
64 (b) A veteran's benefit;
65 (c) A disability, illness or unemployment benefit;
66 (d) Alimony, support or separate maintenance, not to
67 exceed seven hundred fifty dollars a month;
68 (e) a. Any payment under a stock bonus plan, pension
69 plan, disability or death benefit plan, profit-sharing plan,
70 nonpublic retirement plan or any plan described, defined, or
71 established pursuant to section 456.014, the person's right
72 to a participant account in any deferred compensation
73 program offered by the state of Missouri or any of its
74 political subdivisions, or annuity or similar plan or
75 contract on account of illness, disability, death, age or
76 length of service, to the extent reasonably necessary for
77 the support of such person and any dependent of such person
78 unless:
79 (i) Such plan or contract was established by or under
80 the auspices of an insider that employed such person at the
81 time such person's rights under such plan or contract arose;
82 (ii) Such payment is on account of age or length of
83 service; and
84 (iii) Such plan or contract does not qualify under
85 Section 401(a), 403(a), 403(b), 408, 408A or 409 of the
86 Internal Revenue Code of 1986, as amended, (26 U.S.C.
87 Section 401(a), 403(a), 403(b), 408, 408A or 409).
88 b. Notwithstanding the exemption provided in
89 subparagraph a. of this paragraph, any such payment to any
90 person shall be subject to attachment or execution pursuant
91 to a qualified domestic relations order, as defined by
92 Section 414(p) of the Internal Revenue Code of 1986 (26
93 U.S.C. Section 414(p)), as amended, issued by a court in any
94 proceeding for dissolution of marriage or legal separation

95 or a proceeding for disposition of property following
96 dissolution of marriage by a court which lacked personal
97 jurisdiction over the absent spouse or lacked jurisdiction
98 to dispose of marital property at the time of the original
99 judgment of dissolution;

100 (f) Any money or assets, payable to a participant or
101 beneficiary from, or any interest of any participant or
102 beneficiary in, a retirement plan, profit-sharing plan,
103 health savings [plan] account, or similar plan, including an
104 inherited account or plan, that is qualified under Section
105 223, 401(a), 403(a), 403(b), 408, 408A or 409 of the
106 Internal Revenue Code of 1986 (26 U.S.C. Section 223,
107 401(a), 403(a), 403(b), 408, 408A, or 409), as amended,
108 whether such participant's or beneficiary's interest arises
109 by inheritance, designation, appointment, or otherwise,
110 except as provided in this paragraph. Any plan or
111 arrangement described in this paragraph shall not be exempt
112 from the claim of an alternate payee under a qualified
113 domestic relations order; however, the interest of any and
114 all alternate payees under a qualified domestic relations
115 order shall be exempt from any and all claims of any
116 creditor, other than the state of Missouri through its
117 department of social services. As used in this paragraph,
118 the terms "alternate payee" and "qualified domestic
119 relations order" have the meaning given to them in Section
120 414(p) of the Internal Revenue Code of 1986 (26 U.S.C.
121 Section 414(p)), as amended. If proceedings under Title 11
122 of the United States Code are commenced by or against such
123 person, no amount of funds shall be exempt in such
124 proceedings under any such plan, contract, or trust which is
125 fraudulent as defined in subsection 2 of section 428.024 and
126 for the period such person participated within three years
127 prior to the commencement of such proceedings. For the

128 purposes of this section, when the fraudulently conveyed
129 funds are recovered and after, such funds shall be deducted
130 and then treated as though the funds had never been
131 contributed to the plan, contract, or trust;

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

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

140 (13) Any moneys accruing to and deposited in
141 individual savings accounts or individual deposit accounts
142 under sections 166.400 to 166.456 or sections 166.500 to
143 166.529, subject to the following provisions:

144 (a) This subdivision shall apply to any proceeding
145 that:

146 a. Is filed on or after January 1, 2022; or
147 b. Was filed before January 1, 2022, and is pending or
148 on appeal after January 1, 2022;

149 (b) Except as provided by paragraph (c) of this
150 subdivision, if the designated beneficiary of an individual
151 savings account or individual deposit account established
152 under sections 166.400 to 166.456 or sections 166.500 to
153 166.529 is a lineal descendant of the account owner, all
154 moneys in the account shall be exempt from any claims of
155 creditors of the account owner or designated beneficiary;

156 (c) The provisions of paragraph (b) of this
157 subdivision shall not apply to:

158 a. Claims of any creditor of an account owner as to
159 amounts contributed within a two-year period preceding the

160 date of the filing of a bankruptcy petition under 11 U.S.C.
161 Section 101 et seq., as amended; or

162 b. Claims of any creditor of an account owner as to
163 amounts contributed within a one-year period preceding an
164 execution on judgment for such claims against the account
165 owner.

166 2. Nothing in this section shall be interpreted to
167 exempt from attachment or execution for a valid judicial or
168 administrative order for the payment of child support or
169 maintenance any money or assets, payable to a participant or
170 beneficiary from, or any interest of any participant or
171 beneficiary in, a retirement plan which is qualified
172 pursuant to Sections 408 and 408A of the Internal Revenue
173 Code of 1986 (26 U.S.C. Sections 408 and 408A), as amended.

513.475. 1. The homestead of every person, consisting
2 of a dwelling house and appurtenances, and the land used in
3 connection therewith, not exceeding the aggregate value of
4 [fifteen] forty thousand dollars, which is or shall be used
5 by such person as a homestead, shall, together with the
6 rents, issues and products thereof, be exempt from
7 attachment and execution. The exemption allowed under this
8 section shall not be allowed for more than one owner of any
9 homestead if one owner claims the entire amount allowed
10 under this subsection; but, if more than one owner of any
11 homestead claims an exemption under this section, the
12 exemption allowed to each of such owners shall not exceed,
13 in the aggregate, the total exemption allowed under this
14 subsection as to any one homestead.

15 2. Either spouse separately shall be debarred from and
16 incapable of selling, mortgaging or alienating the homestead
17 in any manner whatever, and every such sale, mortgage or
18 alienation is hereby declared null and void; provided,
19 however, that nothing herein contained shall be so construed

20 as to prevent the husband and wife from jointly conveying,
21 mortgaging, alienating or in any other manner disposing of
22 such homestead, or any part thereof.

525.235. 1. For purposes of this section, the term
2 "financial institution" means a federally insured bank,
3 savings bank, savings and loan association, or credit union.

4 2. All orders of garnishment issued in this state for
5 the purpose of attaching to account funds on deposit held by
6 a financial institution shall be issued only under this
7 section and shall attach only to such funds held by the
8 financial institution on the date of service on the
9 financial institution, provided the effective date of
10 service shall be a banking day and provided service is made
11 prior to the financial institution's business cutoff time,
12 otherwise the service on the financial institution shall be
13 effective on the next banking day. If an account receives
14 electronic deposits of exempt protected funds, including,
15 but not limited to, funds described under subdivision (10)
16 of subsection 1 of section 513.430, the attachment date for
17 such account shall be the date and banking day that the
18 financial institution applies for the federally required
19 look-back analysis to determine the protected amount. The
20 return date for orders of garnishment under this section
21 shall not be less than thirty days from the effective date
22 of service.

23 3. All orders of garnishment issued in this state for
24 the purpose of attaching to account funds held by a
25 financial institution shall include the judgment debtor's
26 address and the last four digits of the debtor's tax
27 identification number, if known, and shall specify the
28 amount of funds to be withheld by the garnishee.

29 4. If an order of garnishment attaches to account
30 funds held by a financial institution and the garnishee

31 holds funds of the judgment debtor in two or more accounts,
32 the garnishee may withhold payment of the amount attached
33 from any accounts belonging to a judgment debtor and such
34 accounts may have a different attachment date if necessary
35 for the federally required look-back analysis.

36 5. If an order of garnishment attaches to account
37 funds held by a financial institution and the garnishee
38 holds funds of the judgment debtor in an account which the
39 judgment debtor owns in joint tenancy with one or more
40 individuals who are not subject to the garnishment, the
41 garnishee shall withhold the entire amount sought by the
42 garnishment. The garnishee shall provide a copy of the
43 order of garnishment to each account holder within two
44 business days to the address provided to the garnishee by
45 each account holder by mail or electronically if authorized
46 by the account holder. Each account holder may file an
47 objection or request of exemption of all or a portion of the
48 account with the court that issued the order of garnishment
49 within thirty days of the date the garnishment attaches and
50 serve their objection or request for exemption on the
51 garnishor and the garnishee. If the objection or request of
52 exemption is not resolved within thirty days of the timely
53 filing of the objection or request of exemption, the
54 garnishee may pay the garnished funds to the circuit court
55 to be held for pending resolution of the objection or
56 request.

57 6. No party shall seek an order of garnishment
58 attaching to account funds held by a financial institution
59 except on good faith belief of the party seeking garnishment
60 that the party to be served with the garnishment order has,
61 or will have, account assets of the judgment debtor. Except
62 as provided in this subsection, not more than one
63 garnishment shall be issued by a party seeking an order of

64 garnishment under this section for the same garnishee
65 applicable to the same claim or claims and against the same
66 judgment debtor in any thirty-day period. A judge may order
67 an exception to this subsection in any case in which the
68 party seeking the garnishment shall in person or by attorney:

69 (1) Certify that the garnishment is not for the
70 purpose of harassment of the debtor; and

71 (2) State facts demonstrating to the satisfaction of
72 the judge that there is reason to believe that the garnishee
73 has property of the debtor which is not exempt from
74 execution.

75 7. No financial institution shall have a duty to
76 investigate or assert any defenses of a judgment debtor.

77 8. A financial institution served an order of
78 garnishment and interrogatories under this section shall
79 answer within twenty days. Funds shall be released to the
80 judgment debtor sixty days after an answer is submitted, or
81 sooner if required under an order to pay, or paid into the
82 court if objections are filed by the judgment debtor and the
83 financial institution is served with a copy of the
84 objections.

85 9. This section does not apply to wage garnishments or
86 to garnishments of property other than account funds held by
87 a financial institution and a garnishment issued under this
88 section does not require a garnishee to search for, hold, or
89 return wages or other property. A garnishment under this
90 section does not require a garnishee to report or hold or
91 respond to interrogatories not related to account funds.

92 10. This section does not limit the authority of a
93 garnishor to obtain and issue an order of garnishment and
94 interrogatories for wages or for property, other than
95 account funds, held by a financial institution pursuant to
96 law and the rules of the Missouri supreme court.

97 11. (1) A garnishee acting in good faith compliance
98 with a facially valid order of garnishment under this
99 section shall not be liable to any debtor, creditor, or
100 other person for withholding, restraining, or releasing
101 funds in reasonable reliance upon the terms of the writ or
102 order.

103 (2) A garnishee shall not be required to:

104 (a) Adjudicate competing claims of ownership to
105 property or funds;

106 (b) Determine the legal sufficiency or validity of the
107 underlying judgment; or

108 (c) Investigate facts outside the information
109 contained in the writ or the garnishee's business records.

110 (3) A garnishee shall be liable for damages arising
111 from a garnishment only if:

112 (a) The garnishee fails to follow the clear and
113 express terms of the writ or order;

114 (b) Such failure constitutes gross negligence or
115 willful misconduct; and

116 (c) Actual damages are proven.

117 (4) A garnishee shall not be liable if the garnishee
118 corrects an error within five business days after receiving
119 written notice identifying the alleged error and promptly
120 releases any improperly restrained funds.

121 (5) Temporary restraint of funds pending review of a
122 claimed exemption shall not create liability if the
123 garnishee, garnishor, and judgment debtor or other persons
124 act within time frames required by law.

125 12. The provisions of subsections 1 to 11 of this
126 section shall be effective January 1, 2028.

127 13. The provisions of this section shall be
128 implemented and administered in accordance with rules of the
129 Missouri supreme court.

537.529. 1. This section shall be known and may be cited as the "Uniform Public Expression Protection Act".

2. As used in this section, the following terms mean:

(1) "Governmental unit", any city, county, or other political subdivision of this state, or any department, division, board, or other agency of any political subdivision of this state;

(2) "Person", an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

3. Except as otherwise provided in subsection 4 of this section, the provisions of this section shall apply to any cause of action asserted in a civil action against a person based on the person's:

(1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri, on a matter of public concern.

4. The provisions of this section shall not apply to a cause of action asserted:

(1) Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

34 (3) Against a person primarily engaged in the business
35 of selling or leasing goods or services if the cause of
36 action arises out of a communication related to the person's
37 sale or lease of the goods or services.

38 As used in this subsection, the term "goods or services"
39 shall not include any dramatic, literary, musical,
40 political, journalistic, or artistic work.

41 5. No later than sixty days after a party is served
42 with a complaint, crossclaim, counterclaim, third-party
43 claim, or other pleading that asserts a cause of action to
44 which this section applies, or at a later time upon a
45 showing of good cause, a party may file a special motion to
46 dismiss the cause of action or part of the cause of action.

47 6. (1) Except as otherwise provided in this
48 subsection:

49 (a) All other proceedings between the moving party and
50 responding party in an action, including discovery and a
51 pending hearing or motion, are stayed on the filing of a
52 motion under subsection 5 of this section; and

53 (b) On motion by the moving party, the court may stay:

54 a. A hearing or motion involving another party if the
55 ruling on the hearing or motion would adjudicate a legal or
56 factual issue that is material to the motion under
57 subsection 5 of this section; or

58 b. Discovery by another party if the discovery relates
59 to a legal or factual issue that is material to the motion
60 under subsection 5 of this section.

61 (2) A stay under subdivision (1) of this subsection
62 remains in effect until entry of an order ruling on the
63 motion filed under subsection 5 of this section and the
64 expiration of the time to appeal the order.

65 (3) If a party appeals from an order ruling on a
66 motion under subsection 5 of this section, all proceedings
67 between all parties in an action are stayed. The stay
68 remains in effect until the conclusion of the appeal.

69 (4) During a stay under subdivision (1) of this
70 subsection, the court may allow limited discovery if a party
71 shows that specific information is necessary to establish
72 whether a party has satisfied or failed to satisfy a burden
73 imposed by subdivision (1) of subsection 9 of this section
74 and is not reasonably available without discovery.

75 (5) A motion for costs and expenses under subsection
76 12 of this section shall not be subject to a stay under this
77 section.

78 (6) A stay under this subsection does not affect a
79 party's ability to voluntarily dismiss a cause of action or
80 part of a cause of action or move to sever a cause of action.

81 (7) During a stay under this section, the court for
82 good cause may hear and rule on:

83 (a) A motion unrelated to the motion under subsection
84 5 of this section; and

85 (b) A motion seeking a special or preliminary
86 injunction to protect against an imminent threat to public
87 health or safety.

88 7. (1) The court shall hear a motion under subsection
89 5 of this section no later than sixty days after filing of
90 the motion, unless the court orders a later hearing:

91 (a) To allow discovery under subdivision (4) of
92 subsection 6 of this section; or

93 (b) For other good cause.

94 (2) If the court orders a later hearing under
95 paragraph (a) of subdivision (1) of this subsection, the
96 court shall hear the motion under subsection 5 of this
97 section no later than sixty days after the court order

98 allowing the discovery, subject to paragraph (b) of
99 subdivision (1) of this subsection.

100 8. In ruling on a motion under subsection 5 of this
101 section, the court shall consider the parties' pleadings,
102 the motion, any replies and responses to the motion, and any
103 evidence that could be considered in ruling on a motion for
104 summary judgment.

105 9. (1) In ruling on a motion under subsection 5 of
106 this section, the court shall dismiss with prejudice a cause
107 of action or part of a cause of action if:

108 (a) The moving party establishes under subsection 3 of
109 this section that this section applies;

110 (b) The responding party fails to establish as
111 provided in subsection 4 of this section that this section
112 does not apply; and

113 (c) Either:

114 a. The responding party fails to establish a prima
115 facie case as to each essential element of the cause of
116 action; or

117 b. The moving party establishes that:

118 (i) The responding party failed to state a cause of
119 action upon which relief can be granted; or

120 (ii) There is no genuine issue as to any material fact
121 and the party is entitled to judgment as a matter of law on
122 the cause of action or part of the cause of action.

123 (2) A voluntary dismissal without prejudice of a
124 responding party's cause of action, or part of a cause of
125 action, that is the subject of a motion under subsection 5
126 of this section does not affect a moving party's right to
127 obtain a ruling on the motion and seek costs, reasonable
128 attorney's fees, and reasonable litigation expenses under
129 subsection 12 of this section.

130 (3) A voluntary dismissal with prejudice of a
131 responding party's cause of action, or part of a cause of
132 action, that is the subject of a motion under subsection 5
133 of this section establishes for the purpose of subsection 12
134 of this section that the moving party prevailed on the
135 motion.

136 10. The court shall rule on a motion under subsection
137 5 of this section no later than sixty days after the hearing
138 under subsection 7 of this section.

139 11. A moving party may appeal within twenty-one days
140 as a matter of right from an order denying, in whole or in
141 part, a motion under subsection 5 of this section.

142 12. On a motion under subsection 5 of this section,
143 the court shall award costs, reasonable attorney's fees, and
144 reasonable litigation expenses related to the motion:

145 (1) To the moving party if the moving party prevails
146 on the motion; or

147 (2) To the responding party if the responding party
148 prevails on the motion and the court finds that the motion
149 was frivolous or filed solely with intent to delay the
150 proceeding.

151 13. This section shall be broadly construed and
152 applied to protect the exercise of the right of freedom of
153 speech and of the press, the right to assemble and petition,
154 and the right of association, guaranteed by the Constitution
155 of the United States or the Constitution of the state of
156 Missouri.

157 14. In applying and construing this section,
158 consideration shall be given to the need to promote
159 uniformity of the law with respect to its subject matter
160 among states that enact it.

161 15. The provisions of this section shall apply to any
162 civil action filed, or any cause of action asserted in a
163 civil action, on or after August 28, 2026.

2 [537.528. 1. Any action against a person
3 for conduct or speech undertaken or made in
4 connection with a public hearing or public
5 meeting, in a quasi-judicial proceeding before a
6 tribunal or decision-making body of the state or
7 any political subdivision of the state is
8 subject to a special motion to dismiss, motion
9 for judgment on the pleadings, or motion for
10 summary judgment that shall be considered by the
11 court on a priority or expedited basis to ensure
12 the early consideration of the issues raised by
13 the motion and to prevent the unnecessary
14 expense of litigation. Upon the filing of any
15 special motion described in this subsection, all
16 discovery shall be suspended pending a decision
17 on the motion by the court and the exhaustion of
18 all appeals regarding the special motion.

19 2. If the rights afforded by this section
20 are raised as an affirmative defense and if a
21 court grants a motion to dismiss, a motion for
22 judgment on the pleadings or a motion for
23 summary judgment filed within ninety days of the
24 filing of the moving party's answer, the court
25 shall award reasonable attorney fees and costs
26 incurred by the moving party in defending the
27 action. If the court finds that a special
28 motion to dismiss or motion for summary judgment
29 is frivolous or solely intended to cause
30 unnecessary delay, the court shall award costs
31 and reasonable attorney fees to the party
32 prevailing on the motion.

33 3. Any party shall have the right to an
34 expedited appeal from a trial court order on the
35 special motions described in subsection 2 of
36 this section or from a trial court's failure to
37 rule on the motion on an expedited basis.

38 4. As used in this section, a "public
39 meeting in a quasi-judicial proceeding" means
40 and includes any meeting established and held by
41 a state or local governmental entity, including
without limitations meetings or presentations

42 before state, county, city, town or village
43 councils, planning commissions, review boards or
44 commissions.

45 5. Nothing in this section limits or
46 prohibits the exercise of a right or remedy of a
47 party granted pursuant to another
48 constitutional, statutory, common law or
49 administrative provision, including civil
50 actions for defamation.

51 6. If any provision of this section or the
52 application of any provision of this section to
53 a person or circumstance is held invalid, the
54 invalidity shall not affect other provisions or
55 applications of this section that can be given
56 effect without the invalid provision or
57 application, and to this end the provisions of
58 this section are severable.

59 7. The provisions of this section shall
60 apply to all causes of actions.]

Section B. The enactment of section 513.423 and the
2 repeal and reenactment of sections 513.380, 513.430, and
3 513.475 of this act shall become effective on January 1,
4 2027.

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Sandy Crawford

Lane Roberts