

FIRST REGULAR SESSION

# HOUSE BILL NO. 785

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RIDDLE.

1906L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapters 516 and 537, RSMo, by adding thereto two new sections relating to products liability.

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

Section A. Chapters 516 and 537, RSMo, are amended by adding thereto two new sections, to be known as sections 516.115 and 537.763, to read as follows:

2           **516.115. 1. Any action to recover damages for economic loss, personal injury,**  
3 **property damage or wrongful death alleging a products liability claim under sections**  
4 **537.760 to 537.765 shall be commenced within ten years after the date on which the**  
5 **product that allegedly caused the damage was first placed into the stream of commerce.**

6           **2. The limitations contained in subsection 1 of this section shall not apply to**  
7 **indemnity or contribution actions brought by a defendant in a products liability action**  
8 **against a person who is or may be liable to such person for any portion of any judgment**  
9 **rendered against the defendant.**

10           **3. This section shall not apply if an action is time barred by another provision of**  
11 **law or if the person from whom damages are sought fraudulently conceals information**  
12 **about the product and that conduct was a substantial cause of the claimant's harm.**

13           **4. This section shall not apply to any action to recover damages allegedly resulting**  
14 **from exposure to asbestos, dioxins, or polychlorinated biphenyls.**

15           **5. This section does not apply to any action to recover damages for economic loss,**  
16 **personal injury, property damage or wrongful death arising out of a defective or unsafe**  
**condition of any improvement to real property.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

**537.763. 1. No manufacturer or seller of a product shall be held liable in any product liability action where a proximate cause of the personal injury, death, or damage to property was either an alteration or modification of the product by an individual or entity other than the manufacturer or seller, which alteration or modification occurred after the product left the control of such manufacturer or such seller unless:**

**(1) The alteration or modification was in accordance with the instructions or specifications of such manufacturer or such seller; or**

**(2) The alteration or modification was made with the express consent of such manufacturer or such seller.**

**2. For the purposes of this section, "alteration or modification" includes changes in the design, formula, function, or use of the product from that originally designed, tested, or intended by the manufacturer. The term "alteration or modification" includes failure to observe routine care and maintenance, but does not include ordinary wear and tear.**