

FIRST REGULAR SESSION

# HOUSE BILL NO. 594

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

1105H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 516, RSMo, by adding thereto one new section relating to time limitations for filing claims which arise out of a defective or unsafe condition of a product.

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

Section A. Chapter 516, RSMo, is amended by adding thereto one new section, to be known as section 516.099, to read as follows:

**516.099. 1. Any action to recover damages for economic loss, personal injury, property damage, or wrongful death arising out of a defective or unsafe condition of any item that is sold, leased, or otherwise placed in the stream of commerce, or arising out of the negligent design, manufacture, sale, or distribution of any such item, shall be commenced within ten years of the date on which such item is first sold or leased to any person or first otherwise placed into the stream of commerce.**

**2. This section shall apply to all actions falling within it, whether arising under the common law or by operation of statute; except that, if an action within this section is barred by another provision of law, that other provision of law shall govern.**

**3. This section shall not apply:**

**(1) To any action brought with respect to an item that is real property or an improvement to real property;**

**(2) If the person against whom an action is brought has knowingly concealed any defective or unsafe condition in the item that is the subject of the action, or has knowingly concealed any negligence in the item's construction, manufacture, sale, distribution, or placing into the stream of commerce, and if any matter so concealed directly resulted in the**

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.

17 economic loss, personal injury, property damage, or wrongful death for which the action  
18 is brought;

19 (3) If a manufacturer, lessor, seller, or person who first placed an item in the  
20 stream of commerce against whom an action within this section is brought brings an action  
21 for indemnity or contribution against a person who is or may be liable to such person for  
22 all or any portion of any judgment rendered against such person, in which event such  
23 action for indemnity or contribution shall not be barred by this section;

24 (4) If a manufacturer, lessor, seller, or person who first placed an item in the  
25 stream of commerce has stated in a written warranty or an advertisement to the public that  
26 the item has an expected useful life for a period certain that is greater than ten years, in  
27 which event any action that is otherwise within this section and is not barred by any other  
28 provision of law shall be brought no later than two years following the expiration of that  
29 period certain; or

30 (5) To any action regarding negligent service or negligent maintenance of a  
31 product.

32 4. This section shall apply to all civil actions commenced on or after August 28,  
33 2017, or any new causes of action asserted in civil actions pending on that date; except that,  
34 any cause of action falling within this section that accrued on or before August 28, 2017,  
35 may, in any event, be brought no later than August 28, 2018, unless barred by another  
36 provision of law.

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