

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1611
99TH GENERAL ASSEMBLY

5233H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

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
2 known as section 516.099, to read as follows:

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

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

10 3. This section shall not apply:

**11 (1) To any action brought with respect to a product that is real property or an
12 improvement to real property;**

**13 (2) If the person against whom an action is brought has knowingly concealed any
14 defective or unsafe condition in the product that is the subject of the action, or has
15 knowingly concealed any negligence in the product's construction, manufacture, sale,
16 distribution, or placing into the stream of commerce, and if any matter so concealed
17 directly resulted in the economic loss, personal injury, property damage, or wrongful death
18 for which the action is brought;**

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.

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

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

32 **(6) To any action regarding a defective or unsafe condition of a product causing a**
33 **respiratory or malignant disease with a latency of greater than ten years. However, the**
34 **exceptions provided for in this subdivision shall not apply to a strict product liability or**
35 **negligence action against a seller of a product, in which the product is alleged to contain**
36 **or possess a defective condition unreasonably dangerous to the buyer, user, or consumer,**
37 **unless such seller is also the manufacturer of the product claimed to be defective.**

38 **4. This section shall apply to all civil actions commenced on or after August 28,**
39 **2018, or any new causes of action asserted in civil actions pending on that date; except that,**
40 **any cause of action falling within this section that accrued on or before August 28, 2018,**
41 **may, in any event, be brought no later than August 28, 2019, unless barred by another**
42 **provision of law.**

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