

FIRST REGULAR SESSION

HOUSE BILL NO. 1058

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORSE.

2186H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 432.010, RSMo, and to enact in lieu thereof one new section relating to the statute of frauds.

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

Section A. Section 432.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 432.010, to read as follows:

432.010. No action shall be brought:

(1) To charge any executor or administrator, upon any special promise to answer for any debt or damages out of his **or her** own estate~~[-or]~~ ;

(2) To charge any person upon any special promise to answer for the debt, default, or miscarriage of another person~~[-or]~~ ;

(3) To charge any person upon any agreement made in consideration of marriage~~[-or]~~ ;

(4) Upon any contract made for the sale of lands, tenements, hereditaments, or an interest in or concerning them, or any lease thereof, for a longer time than one year~~[-or]~~ ;

(5) Upon any agreement that is not to be performed within one year from the making thereof~~[-or]~~ ; **or**

(6) **To charge any person sixty-five years of age or older, any person a court has adjudicated fully or partially incapacitated or disabled, or any person diagnosed with Alzheimer's disease, dementia, or any other mild to severe cognitive disability upon any contract**

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 unless the agreement upon which the action shall be brought, or some memorandum or note
18 thereof, ~~[shall be]~~ **is** in writing and signed by the party to be charged therewith~~;~~ or some other
19 person ~~[by him thereto]~~ lawfully authorized~~;~~ **and by the party to make said agreement.** No
20 contract for the sale of lands made by an agent shall be binding upon the principal~~;~~ unless such
21 agent is authorized in writing to make said contract.

✓