

SECOND REGULAR SESSION

# HOUSE BILL NO. 1965

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEGROOT.

5784H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 516.110, 516.120, 516.130, 516.140, 516.145, 516.170, and 516.200, RSMo, and to enact in lieu thereof five new sections relating to statutes of limitations.

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

Section A. Sections 516.110, 516.120, 516.130, 516.140, 516.145, 516.170, and 516.200, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 516.110, 516.120, 516.140, 516.145, and 516.170, to read as follows:

516.110. Within ~~ten~~ **five** years:

(1) An action upon any writing, whether sealed or unsealed, for the payment of money or property, **except actions for personal injury, bodily injury, or wrongful death;**

(2) Actions brought on any covenant of warranty contained in any deed of conveyance of land shall be brought within ~~ten~~ **five** years next after there shall have been a final decision against the title of the covenantor in such deed, and actions on any covenant of seizin contained in any such deed shall be brought within ~~ten~~ **five** years after the cause of such action shall accrue;

(3) Actions for relief, not herein otherwise provided for.

516.120. Within ~~five~~ **three** years:

(1) All actions upon contracts, obligations or liabilities, express or implied, except those mentioned in section 516.110, and except upon judgments or decrees of a court of record, and except where a different time is herein limited;

(2) An action upon a liability created by a statute other than a penalty or forfeiture;

(3) An action for trespass on real estate;

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.

7 (4) An action for taking, detaining or injuring any goods or chattels, including actions  
 8 for the recovery of specific personal property[~~or for any other injury to the person or rights of~~  
 9 ~~another, not arising on contract and not herein otherwise enumerated~~];

10 (5) An action for relief on the ground of fraud, the cause of action in such case to be  
 11 deemed not to have accrued until the discovery by the aggrieved party, at any time within ten  
 12 years, of the facts constituting the fraud;

13 **(6) An action for any other personal injury, bodily injury, or wrongful death**  
 14 **including, but not limited to, actions against an insurer for uninsured or underinsured**  
 15 **motorist coverage;**

16 **(7) An action against a sheriff, coroner, or other officer upon a liability incurred**  
 17 **by the doing of an act in his or her official capacity and in virtue of his or her office, or by**  
 18 **the omission of an official duty, including the nonpayment of moneys collected upon an**  
 19 **execution or otherwise;**

20 **(8) An action upon a statute for a penalty or forfeiture, if the action is given to the**  
 21 **party aggrieved, or to such party and the state;**

22 **(9) An action under section 290.300.**

516.140. Within two years: an action for [~~libel, slander, injurious falsehood,~~] assault,  
 2 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought  
 3 under section 290.140. An action by an employee for the payment of unpaid minimum wages,  
 4 unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum  
 5 wages or overtime compensation, and for the recovery of any amount under and by virtue of the  
 6 provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an  
 7 act of Congress, shall be brought within two years after the cause accrued.

516.145. Within one year:

2 **(1) An action for libel, slander, or injurious falsehood;**

3 **(2) All actions brought by an offender, as defined in section 217.010, against the**  
 4 **department of corrections or any entity or division thereof, or any employee or former employee**  
 5 **for an act in an official capacity, or by the omission of an official duty.**

516.170. Except as provided in section 516.105, if any person entitled to bring an action  
 2 in sections 516.100 to 516.370 specified, at the time the cause of action accrued be either within  
 3 the age of [~~twenty-one~~] **eighteen** years, or mentally incapacitated, such person shall be at liberty  
 4 to bring such actions within the respective times in sections 516.100 to 516.370 limited after  
 5 such disability is removed.

~~[516.130. Within three years:~~

2 ~~(1) An action against a sheriff, coroner or other officer, upon a liability~~  
 3 ~~incurred by the doing of an act in his official capacity and in virtue of his office,~~

4           ~~or by the omission of an official duty, including the nonpayment of money~~  
5           ~~collected upon an execution or otherwise;~~

6           ~~————— (2) An action upon a statute for a penalty or forfeiture, where the action~~  
7           ~~is given to the party aggrieved, or to such party and the state;~~

8           ~~————— (3) An action under section 290.300.]~~

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2           ~~[516.200. If at any time when any cause of action herein specified~~  
3           ~~accrues against any person who is a resident of this state, and he is absent~~  
4           ~~therefrom, such action may be commenced within the times herein respectively~~  
             ~~limited, after the return of such person into the state.]~~

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