

SENATE BILL NO. 117

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

0046S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 516.120, 516.140, and 537.600, RSMo, and to enact in lieu thereof three new sections relating to civil actions.

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

Section A. Sections 516.120, 516.140, and 537.600, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 516.120, 516.140, and 537.600, to read as
4 follows:

516.120. Within five years:

2 (1) All actions upon contracts, obligations or
3 liabilities, express or implied, except those mentioned in
4 section 516.110 **and section 516.140**, and except upon
5 judgments or decrees of a court of record, and except where
6 a different time is herein limited;

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

9 (3) An action for trespass on real estate;

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

15 (5) An action for relief on the ground of fraud, the
16 cause of action in such case to be deemed not to have

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 accrued until the discovery by the aggrieved party, at any
18 time within ten years, of the facts constituting the fraud.

516.140. Within two years:

2 **(1)** An action for libel, slander, injurious falsehood,
3 assault, battery, false imprisonment, criminal conversation,
4 malicious prosecution or actions brought under section
5 290.140[.];

6 **(2)** An action by an employee for the payment of unpaid
7 minimum wages, unpaid overtime compensation or liquidated
8 damages by reason of the nonpayment of minimum wages or
9 overtime compensation, and for the recovery of any amount
10 under and by virtue of the provisions of the Fair Labor
11 Standards Act of 1938 and amendments thereto, such act being
12 an act of Congress, shall be brought within two years after
13 the cause accrued;

14 **(3)** An action for any injury to the person or rights
15 of another, not arising on contract and not otherwise
16 provided for by law, including actions for personal injury
17 or bodily injury;

18 **(4)** An action against an insurer relating to uninsured
19 motorist coverage or underinsured motorist coverage,
20 including any action to enforce such coverage.

537.600. 1. Such sovereign or governmental tort
2 immunity as existed at common law in this state prior to
3 September 12, 1977, except to the extent waived, abrogated
4 or modified by statutes in effect prior to that date, shall
5 remain in full force and effect; except that, the immunity
6 of the public entity from liability and suit for
7 compensatory damages for negligent acts or omissions is
8 hereby expressly waived in the following instances:

9 (1) Injuries directly resulting from the negligent
10 acts or omissions by public employees arising out of the

11 operation of motor vehicles or motorized vehicles within the
12 course of their employment;

13 (2) Injuries caused by the condition of a public
14 entity's property if the plaintiff establishes that the
15 property was in dangerous condition at the time of the
16 injury, that the injury directly resulted from the dangerous
17 condition, that the dangerous condition created a reasonably
18 foreseeable risk of harm of the kind of injury which was
19 incurred, and that either a negligent or wrongful act or
20 omission of an employee of the public entity within the
21 course of his employment created the dangerous condition or
22 a public entity had actual or constructive notice of the
23 dangerous condition in sufficient time prior to the injury
24 to have taken measures to protect against the dangerous
25 condition. In any action under this subdivision wherein a
26 plaintiff alleges that he was damaged by the negligent,
27 defective or dangerous design of a highway or road, which
28 was designed and constructed prior to September 12, 1977,
29 the public entity shall be entitled to a defense which shall
30 be a complete bar to recovery whenever the public entity can
31 prove by a preponderance of the evidence that the alleged
32 negligent, defective, or dangerous design reasonably
33 complied with highway and road design standards generally
34 accepted at the time the road or highway was designed and
35 constructed.

36 2. The express waiver of sovereign immunity in the
37 instances specified in subdivisions (1) and (2) of
38 subsection 1 of this section are absolute waivers of
39 sovereign immunity in all cases within such situations
40 whether or not the public entity was functioning in a
41 governmental or proprietary capacity and whether or not the
42 public entity is covered by a liability insurance for tort.

43 3. The term "public entity" as used in this section
44 shall include any multistate compact agency created by a
45 compact formed between this state and any other state which
46 has been approved by the Congress of the United States.

47 **4. When acting within the scope of a government**
48 **contract, private contractors of a public entity, excluding**
49 **those private contractors provided for in section 210.114,**
50 **shall have sovereign or governmental tort immunity to the**
51 **same extent as a public entity, including any limitation on**
52 **awards for liability provided for in section 537.610.**

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