

SECOND REGULAR SESSION

SENATE BILL NO. 736

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3909S.011

AN ACT

To repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to property exempt from attachment and execution.

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

Section A. Section 513.430, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 513.430, to read as follows:

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed **[three] eight** thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed **[one] four** thousand **[five hundred]** dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed **one thousand five** hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value **[six] one thousand five** hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed **[three] eight** thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed **[three] eight** thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed **[five] thirteen**

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

20 thousand **five hundred** dollars in value;

21 (7) Any one or more unmaturred life insurance contracts owned by such
22 person, other than a credit life insurance contract, and up to ~~[fifteen]~~ **thirty**
23 thousand dollars of any maturated life insurance proceeds for actual funeral,
24 cremation, or burial expenses where the deceased is the spouse, child, or parent
25 of the beneficiary;

26 (8) The amount of any accrued dividend or interest under, or loan value
27 of, any one or more unmaturred life insurance contracts owned by such person
28 under which the insured is such person or an individual of whom such person is
29 a dependent; provided, however, that if proceedings under Title 11 of the United
30 States Code are commenced by or against such person, the amount exempt in
31 such proceedings shall not exceed in value one hundred fifty thousand dollars in
32 the aggregate less any amount of property of such person transferred by the life
33 insurance company or fraternal benefit society to itself in good faith if such
34 transfer is to pay a premium or to carry out a nonforfeiture insurance option and
35 is required to be so transferred automatically under a life insurance contract with
36 such company or society that was entered into before commencement of such
37 proceedings. No amount of any accrued dividend or interest under, or loan value
38 of, any such life insurance contracts shall be exempt from any claim for child
39 support. Notwithstanding anything to the contrary, no such amount shall be
40 exempt in such proceedings under any such insurance contract which was
41 purchased by such person within one year prior to the commencement of such
42 proceedings;

43 (9) Professionally prescribed health aids for such person or a dependent
44 of such person;

45 (10) Such person's right to receive:

46 (a) A Social Security benefit, unemployment compensation or a public
47 assistance benefit;

48 (b) A veteran's benefit;

49 (c) A disability, illness or unemployment benefit;

50 (d) Alimony, support or separate maintenance, not to exceed seven
51 hundred fifty dollars a month;

52 (e) Any payment under a stock bonus plan, pension plan, disability or
53 death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan
54 described, defined, or established pursuant to section 456.014, the person's right
55 to a participant account in any deferred compensation program offered by the

56 state of Missouri or any of its political subdivisions, or annuity or similar plan or
57 contract on account of illness, disability, death, age or length of service, to the
58 extent reasonably necessary for the support of such person and any dependent of
59 such person unless:

60 a. Such plan or contract was established by or under the auspices of an
61 insider that employed such person at the time such person's rights under such
62 plan or contract arose;

63 b. Such payment is on account of age or length of service; and

64 c. Such plan or contract does not qualify under Section 401(a), 403(a),
65 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26
66 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);

67 except that any such payment to any person shall be subject to attachment or
68 execution pursuant to a qualified domestic relations order, as defined by Section
69 414(p) of the Internal Revenue Code of 1986 (**26 U.S.C. Section 414(p)**), as
70 amended, issued by a court in any proceeding for dissolution of marriage or legal
71 separation or a proceeding for disposition of property following dissolution of
72 marriage by a court which lacked personal jurisdiction over the absent spouse or
73 lacked jurisdiction to dispose of marital property at the time of the original
74 judgment of dissolution;

75 (f) Any money or assets, payable to a participant or beneficiary from, or
76 any interest of any participant or beneficiary in, a retirement plan, profit-sharing
77 plan, health savings plan, or similar plan, including an inherited account or plan,
78 that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the
79 Internal Revenue Code of 1986 (**26 U.S.C. Section 401(a), 403(a), 403(b), 408,**
80 **408A, or 409**), as amended, whether such participant's or beneficiary's interest
81 arises by inheritance, designation, appointment, or otherwise, except as provided
82 in this paragraph. Any plan or arrangement described in this paragraph shall
83 not be exempt from the claim of an alternate payee under a qualified domestic
84 relations order; however, the interest of any and all alternate payees under a
85 qualified domestic relations order shall be exempt from any and all claims of any
86 creditor, other than the state of Missouri through its department of social
87 services. As used in this paragraph, the terms "alternate payee" and "qualified
88 domestic relations order" have the meaning given to them in Section 414(p) of the
89 Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the
90 United States Code are commenced by or against such person, no amount of funds
91 shall be exempt in such proceedings under any such plan, contract, or trust which

92 is fraudulent as defined in subsection 2 of section 428.024 and for the period such
93 person participated within three years prior to the commencement of such
94 proceedings. For the purposes of this section, when the fraudulently conveyed
95 funds are recovered and after, such funds shall be deducted and then treated as
96 though the funds had never been contributed to the plan, contract, or trust;

97 (11) The debtor's right to receive, or property that is traceable to, a
98 payment on account of the wrongful death of an individual of whom the debtor
99 was a dependent, to the extent reasonably necessary for the support of the debtor
100 and any dependent of the debtor;

101 (12) Firearms, firearm accessories, and ammunition, not to exceed one
102 thousand five hundred dollars in value in the aggregate;

103 **(13) The debtor's right to receive, or property that is traceable**
104 **to, a payment or payments on account of personal bodily injury of the**
105 **debtor or an individual of whom the debtor is a dependent. The**
106 **provisions of this subdivision shall not apply to any sum due and**
107 **legally owed to a health care provider under a right of subrogation for**
108 **unpaid health care services.**

109 2. Nothing in this section shall be interpreted to exempt from attachment
110 or execution for a valid judicial or administrative order for the payment of child
111 support or maintenance any money or assets, payable to a participant or
112 beneficiary from, or any interest of any participant or beneficiary in, a retirement
113 plan which is qualified pursuant to Sections 408 and 408A of the Internal
114 Revenue Code of 1986 (**26 U.S.C. Section 408 and 408A**), as amended.

115 **3. The value of property subject to exemption from attachment**
116 **and execution pursuant to subdivisions (1) to (7) of subsection 1 of this**
117 **section shall be adjusted on January 1, 2021, and on January first of**
118 **successive years, by the same percentage increase or decrease of the**
119 **general price level as measured by the Consumer Price Index for All**
120 **Urban Consumers (CPI-U), or its successor index, as published by the**
121 **U.S. Department of Labor or its successor agency, with the amount**
122 **increase or decrease rounded to the nearest dollar. The secretary of**
123 **state shall calculate and publish such value in the Missouri Register as**
124 **soon after each January first as practicable.**

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