

SECOND REGULAR SESSION

SENATE BILL NO. 879

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Read 1st time January 14, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4865S.011

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 known as section 516.099, to read as follows:

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

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

3. This section shall not apply:

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

(2) If the person against whom an action is brought has knowingly concealed any defective or unsafe condition in the product that is the subject of the action, or has knowingly concealed any negligence in the product's construction, manufacture, sale, distribution, or placing into the stream of commerce, and if any matter so concealed directly resulted in the economic loss, personal injury,

22 property damage, or wrongful death for which the action is brought;

23 (3) If a manufacturer, lessor, seller, or person who first placed
24 a product in the stream of commerce against whom an action within
25 this section is brought brings an action for indemnity or contribution
26 against a person who is or may be liable to such person for all or any
27 portion of any judgment rendered against such person, in which event
28 such action for indemnity or contribution shall not be barred by this
29 section;

30 (4) If a manufacturer, lessor, seller, or person who first placed
31 a product in the stream of commerce has stated in a written warranty
32 or an advertisement to the public that the product has an expected
33 useful life for a period certain that is greater than fifteen years, in
34 which event any action that is otherwise within this section and is not
35 barred by any other provision of law shall be brought no later than two
36 years following the expiration of that period certain;

37 (5) To any action regarding negligent service or negligent
38 maintenance of a product;

39 (6) To any action regarding a defective or unsafe condition of a
40 product if the product is subject to a government mandated product
41 recall related to consumer safety, provided that the action shall be
42 limited to the extent that the subject of the action and the underlying
43 reason for the recall are the same;

44 (7) To any action regarding a defective or unsafe condition of a
45 product causing a respiratory or malignant disease with a latency of
46 more than fifteen years. No action shall be commenced under this
47 subdivision based upon strict product liability, or negligence against
48 a seller of a product, in which the product is alleged to contain or
49 possess a defective condition unreasonably dangerous to the buyer,
50 user, or consumer, unless such seller is also the manufacturer of the
51 product claimed to be defective; or

52 (8) Notwithstanding subdivision (4) of this subsection, to any
53 action against a manufacturer where the harm occurred during the
54 useful safe life of the product. In determining whether a product's
55 useful safe life has expired, the trier of fact may consider:

56 (a) The amount of wear and tear to which the product had been
57 subject;

58 (b) The effect of deterioration from natural causes, and from

59 climate and other conditions under which the product was used or
60 stored;

61 (c) The normal practices of the user, similar users, and the
62 product seller with respect to the circumstances, frequency, and
63 purposes of the product's use, and with respect to repairs, renewals,
64 and replacements;

65 (d) Any representations, instructions, or warnings made by the
66 product manufacturer concerning proper maintenance, storage, and use
67 of the product or the expected useful safe life of the product; and

68 (e) Any modification or alteration of the product by a user or
69 third party.

70 4. This section shall apply to all civil actions commenced on or
71 after August 28, 2020, or any new causes of action asserted in civil
72 actions pending on or after that date; except that, any cause of action
73 falling within this section that accrued on or before August 28, 2020,
74 may, in any event, be brought no later than August 28, 2021, unless
75 barred by another provision of law.

Bill ✓

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