

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 7

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
 2 one new section, to be known as section 516.099, to read as
 3 follows:

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

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

15 3. This section shall not apply:

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

18 (2) If the person against whom an action is brought
 19 has knowingly concealed any defective or unsafe condition in
 20 the product that is the subject of the action, or has
 21 knowingly concealed any negligence in the product's
 22 construction, manufacture, sale, distribution, or placing

23 into the stream of commerce, and if any matter so concealed
24 directly resulted in the economic loss, personal injury,
25 property damage, or wrongful death for which the action is
26 brought;

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

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

44 (5) To any action regarding negligent service or
45 negligent maintenance of a product;

46 (6) To any action regarding a defective or unsafe
47 condition of a product if the product is subject to a
48 government mandated product recall related to consumer
49 safety, provided that the action shall be limited to the
50 extent that the subject of the action and the underlying
51 reason for the recall are the same;

52 (7) To any action regarding a defective or unsafe
53 condition of a product causing a respiratory or malignant
54 disease with a latency of more than fifteen years. No
55 action shall be commenced under this subdivision based upon

56 strict product liability, or negligence against a seller of
57 a product, in which the product is alleged to contain or
58 possess a defective condition unreasonably dangerous to the
59 buyer, user, or consumer, unless such seller is also the
60 manufacturer of the product claimed to be defective; or

61 (8) Notwithstanding subdivision (4) of this
62 subsection, to any action against a manufacturer of a
63 mechanical device where the harm occurred during the useful
64 safe life of the product. In determining whether a
65 product's useful safe life has expired, the trier of fact
66 may consider:

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

69 (b) The effect of deterioration from natural causes,
70 and from climate and other conditions under which the
71 product was used or stored;

72 (c) The normal practices of the user, similar users,
73 and the product seller with respect to the circumstances,
74 frequency, and purposes of the product's use, and with
75 respect to repairs, renewals, and replacements;

76 (d) Any representations, instructions, or warnings
77 made by the product manufacturer concerning proper
78 maintenance, storage, and use of the product or the expected
79 useful safe life of the product; and

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

82 4. This section shall apply to all civil actions
83 commenced on or after August 28, 2021, or any new causes of
84 action asserted in civil actions pending on or after that
85 date; except that, any cause of action falling within this
86 section that accrued on or before August 28, 2021, may, in
87 any event, be brought no later than August 28, 2022, unless
88 barred by another provision of law.