

HCS HB 1611 -- PRODUCTS LIABILITY

SPONSOR: Trent

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Litigation Reform by a vote of 8 to 2. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 8 to 4.

This bill provides that a person who is injured by a defective or unsafe condition of a product due to negligence in the design, manufacture, sale, or distribution of a product has 10 years after the sale or lease of the product to bring a claim for damages. The 10-year time limitation shall not apply to actions relating to real property, actions where a person has knowingly concealed any defective or unsafe condition in a product, actions for indemnity or contribution by a defendant, when a product has a warranty, actions regarding negligent service or maintenance of a product, or for certain products that cause respiratory or malignant disease.

The provisions of this bill apply to all civil actions commenced on or after August 28, 2018, or any new causes of action asserted in civil actions pending on that date. However, any cause of action falling within the provisions of this bill that accrued on or before August 28, 2018, may, in any event, be brought no later than August 28, 2019, unless barred by another provision of law.

This bill is similar to HB 594 (2017) and SB 1091 (2016).

PROPOSERS: Supporters say that by requiring certain claims to be brought within 10 years, this bill will promote fairness and the efficient use of the judicial system, and reduce frivolous litigation. In addition, it can be unfair to certain parties to find documents and witnesses from the period the product was designed and manufactured.

Testifying for the bill were Representative Trent; Missouri Chamber of Commerce and Industry; Property Casualty Insurers Association of America; US Chamber Institute on Legal Reform; Emerson; Missouri Organization of Defense Lawyers; Jeffrey Groves, O'Reilly Auto Parts; National Federation of Independent Business; Missouri Insurance Coalition; Missouri Retailers Association; Missouri Tire Industry; Missouri Grocers Association; and Associated Industries of Missouri.

OPPOSERS: Those who oppose the bill say that a statute of repose only helps the manufacturer of a defective product, and will negatively impact first responders and farmers. In addition, groups such as new drivers and the elderly will be effected because

they typically drive automobiles that are more than 10 years old.

Testifying against the bill were Brett Emison and Andrew O'Brien,
Missouri Association of Trial Attorneys.