

HB 2089 -- CIVIL ACTIONS

SPONSOR: Gregory

UNLAWFUL MERCHANDISING PRACTICES ACT

This bill provides that in civil actions brought under the act, the courts shall be guided by the policies of the Federal Trade Commission and interpretations given by the Commission and courts of federal law. Civil actions under the act are prohibited for actions or transactions permitted, approved or regulation by the Commission, or other regulatory agency of the state or United States.

The bill excludes from coverage under the act certain transactions involving a new residence. The bill establishes specified criteria that must be met before a person, individually or as a member of a class action, may recover damages or injunctive relief under the act. The act may not be used to recover damages for personal injury or death.

The provision for joinder of parties in an action under the act or for product liability is amended so that plaintiffs may not be joined in one action simply based upon separate purchases of the same product or service.

VENUE

In a tort case where the plaintiff is injured outside of Missouri and a venue requirement is not prescribed by law, venue is in the county containing the seat of state government.

PRODUCTS LIABILITY

The bill establishes that the plaintiff in a products liability action that alleges a design defect has the burden to prove that there was a safer alternative design and that the defect was a proximate cause of the injury, damage, or death for which the plaintiff is seeking recovery. The bill repeals a provision concerning the continuation of proper venue after the dismissal of certain parties.

The bill contains a severability clause.

This bill is similar to SB 5 (2017).