

HB 474 -- PRODUCTS LIABILITY

SPONSOR: Trent

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Litigation Reform by a vote of 6 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 2.

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 15 years after the sale or lease of the product to bring a claim for damages. The 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 that is greater than 15 years, actions regarding negligent service or maintenance of a product, actions regarding defective or unsafe conditions of a product when the product is the subject of a government-mandated recall, for certain products that cause respiratory or malignant disease, or to any action against a manufacturer where the harm occurred during the uses safe life of the product. The provisions of this bill apply to all civil actions commenced on or after August 28, 2021, 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, 2021, may, in any event, be brought no later than August 28, 2022, unless barred by another provision of law.

This bill is similar to HB 1596 (2020).

PROPOSERS: Supporters say that this bill has been negotiated for years now to make sure the exceptions in this bill would be sufficient to avoid any complications. There should be a time limit on when these type of cases can be brought forth. Diminishing the amount of these product liability cases will lower insurance costs and premiums for retailers. The Supreme Court has supported statutes of repose such as this in case law.

Testifying for the bill were Representative Trent; Missouri Retailers Association; United States Chamber of Commerce; Matt Morrow, Springfield Area Chamber of Commerce; Wayne Price, O'Reilly Auto Parts; Missouri Chamber of Commerce and Industry; National Federation of Independent Business; Missouri Insurance Coalition; Missouri Organization of Defense Lawyers; Missouri Civil Justice Reform Coalition; American Property Casualty Insurance Association; and the Associated Industries of Missouri.

OPPONENTS: Those who oppose the bill say that this bill is arbitrary and capricious and will deny individuals who have no knowledge of the defect, their right to a jury trial. This bill will harm middle class and poor families who would use vehicles and equipment long past 15 years.

Testifying against the bill were the Missouri Association of Trial Attorneys (MATA);and Fedra Ekres.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.