

FIRST REGULAR SESSION

HOUSE BILL NO. 852

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor) AND SMITH (150) (Co-sponsor).

Read 1st time February 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2039L.01I

AN ACT

To repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of summons.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 517.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 517.041, to read as follows:

517.041. 1. The process in all cases shall be a summons with a copy of the petition of the plaintiff attached, directed to the sheriff or other proper person for service on the defendant. The summons shall command the defendant to appear before the court on a date and time, not less than ten days [nor more than thirty days] from the date of service of the summons.

2. If process is not timely served, the plaintiff may request further process be issued to any defendant not timely served with the case being continued, or the plaintiff may dismiss as to any such defendant and proceed with the case.

3. A petition filed which states a claim or claims that in the aggregate exceeds the jurisdictional limit of the division shall be certified to presiding judge for assignment.

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.