

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 4, Section 488.026, Line12, by
2 inserting after all of said section and line the following:

3
4 "537.763. 1. No manufacturer or seller of a product shall be held liable in any product
5 liability action if a proximate cause of the personal injury, death, or damage to property was the
6 material alteration of the product by the first or a subsequent purchaser or lessee who was not
7 engaged in the business of either selling such products or using them as component parts of another
8 product to be sold; or, in the case of a product which has been remanufactured by a manufacturer, the
9 first or a subsequent purchaser or lessee who was not engaged in the business of either selling such
10 products or using them as component parts of another product to be sold following such
11 remanufacture.

12 2. As used in this section, "material alteration" shall mean any alteration which changes the
13 product from the original designed state from the manufacturer or substitution of parts that do not
14 reasonably conform to the manufacturer's specifications, to the extent such specifications have been
15 made available.

16 3. This section does not apply to any action to recover damages for economic loss, personal
17 injury, property damage, or wrongful death arising out of a defective or unsafe condition of any
18 improvement to real property."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.

Action Taken _____ Date _____