

HB 1596 -- PRODUCTS LIABILITY

SPONSOR: Trent

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 11 to 6. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 3.

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, 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, 2020, 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, 2020, may, in any event, be brought no later than August 28, 2021, unless barred by another provision of law.

This bill is similar to HB 186 (2019).

PROPONENTS: Supporters say that this is designed to protect innocent retailers and manufacturers from frivolous litigation, especially when a lot of time has passed and certain facts become difficult or impossible to prove. States surrounding Missouri have statutes of repose of similar lengths, and Missouri's is longer than most of those states' statutes, other than Iowa's, which Missouri is adopting. There are many retailers and manufacturers that prefer to do business in other states because those states have statutes of repose. Car manufacturers do not build here because Missouri is not competitive with other states.

Testifying for the bill were Representative Trent; Associated Industries of Missouri; Missouri Civil Justice Reform Coalition; Missouri Chamber of Commerce; Missouri Insurance Coalition; The Doe Run Company; St. Louis Regional Chamber; United States Chamber Institute for Legal Reform; Missouri Railroad Association; Missouri Retailers Association; Dana Frese, Missouri Organization of Defense Lawyers; Wayne Price, O'Reilly Auto Parts; and National Federation of Independent Business.

OPPONENTS: Those who oppose the bill say that many people use

products many years after they are put in the stream of commerce, and consumers want to know that they are still safe and that they have a cause of action if they are not. Seventeen people lost their lives when a duck boat capsized, and this legislation would have barred any of them from bringing a lawsuit because the boat was built as military boats many years ago and then were subsequently modified to carry people on the lake. This legislation would eliminate plaintiffs' ability to hold others accountable.

Testifying against the bill were Missouri Association of Trial Attorneys; Arnie C. "AC" Dienoff; Jennifer Asher; Paul L. Redfearn; and John Wilbers.