

HOUSE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL 119

Section	Original Bill	Status As of 4/29/2021	Description
407.1095, 407.1098, 407.1101, 407.1104, 407.1115, RSMo	SCS SB 119	Referred to General Laws	This bill adds call spoofing, as defined in the bill, as a method of telephone solicitation prohibited under provisions of law relating to the telemarketing no-call list. This bill also establishes the "Caller ID Anti-Spoofing Act", which creates the offense of caller identification spoofing. A person commits such offense if he or she enters or causes to be entered, false information into a caller ID service with the intent to deceive, defraud, or mislead the recipient of the call, or the person places a call knowing that false information was entered into a caller ID service with the intent to deceive, defraud, or mislead the recipient of the call. The offense is a Class E felony. Call recipients may bring action as members of a class, and the Attorney General may initiate legal proceedings or intervene in legal proceedings on behalf of call recipients.
620.2450 620.2456	HS SCS SB 119		Any funds allocated by the state for the purposes of the construction of broadband infrastructure shall be distributed by the state subject to the grant program established under this section unless a provision of sections 620.2450 to 620.2458 would not comply with a regulation placed on the receipt of such funds and would thus prohibit the expenditure of such funds.
162.012, 170.038, 211.261, 287.120, 435.415, 490.715, 516.099, 516.120, 516.140, 537.065, 537.328, 537.771, 537.880, 537.882, 537.884, 537.886,	HB 922	House Calendar for Third Read	Currently, actions for personal injury must be brought within five years from the date the injury occurred. This bill reduces the time frame to two years from when the injury occurred. The bill also allows school boards of any school district to purchase insurance contracts to insure against loss, damages, or expenses for a claim arising out of the sickness, bodily injury, or death by accident of any student injured on school premises or during school-sponsored activities; as well as insurance for the benefit of students to insure against losses resulting from loss of, theft of, or damage to personal property of students. The bill also modifies the rule for determining the admissibility of evidence of collateral source payments in civil actions. The bill clarifies that Section 490.715, RSMo, applies only to a party in a plaintiff's case, and that no party shall introduce evidence of the amount billed for medical treatment if the amount has been discounted, written-off, or satisfied by payment of an amount less than the amount billed. The actual cost of medical care or treatment rendered and discounts shall be admissible evidence relevant to the potential cost of future treatment. The bill also applies to asbestos tort actions filed on or after August 28, 2021, and to pending asbestos tort actions where trial has not commenced as of such date. The bill: (1) Requires a claimant to provide all

<p>537.888, 537.890</p>			<p>parties in an action a sworn statement indicating that all asbestos trust claims that the claimant can file have been completed and filed. In addition, the claimant must provide all parties with all trust materials relating to the asbestos exposure and related claims; (2) Allows any defendant in an asbestos tort action to file a motion for an order to stay the proceedings. The motion must contain information the defendant believes supports any additional asbestos trust claim that the claimant may file; (3) Requires trust claims materials and trust governance documents to be admissible in evidence. Claims of privilege do not apply to trust claims materials or trust governance documents; (4) Allows the parties in the asbestos tort action to introduce at trial any trust claims material to prove alternative causation for the exposed person's claimed injury, death, or loss to person to prove a basis to allocate responsibility for the claimant's claimed injury, death, or loss to person and to prove issues relevant to an adjudication of the asbestos claim, unless the exclusion of the trust claims material is otherwise required by the rules of evidence. Settlements with bankruptcy trusts shall reduce the claim by the stipulated amount of the agreement or amount of consideration paid; and (5) Allows the court to, upon motion by the defendant, dismiss an action without prejudice for the claimant's failure to comply with these disclosure requirements. A defendant may, within three years after judgment, move to reopen a judgment in an asbestos action if a claimant files certain additional asbestos trust claims. The bill shall not apply to asbestos actions filed by or on behalf of First Responders. "First Responder" is defined as any paid, volunteer, or retired firefighter, paramedic, or emergency medical technician. The bill also provides that any arbitration award shall not be enforceable against insurers, as defined in the bill, unless the insurer has agreed in writing to the arbitration proceeding or agreement. Unless otherwise required by contract, an insurer's election to not participate in arbitration shall not constitute bad faith. These provisions shall not apply to any arbitration awards arising out of an arbitration agreement preceding the date of injury or loss. The bill specifies that a person having an unliquidated claim for damages against a tort-feasor may enter into a contract with the tort-feasor if the person's insurer has refused to withdraw a reservation of rights or declined coverage for such unliquidated claim. The bill specifies what happens if there is any action seeking a judgment on a claim against a tort-feasor at the time of the execution of any contract between the two parties, what happens if there is a pending action at the time of the execution of a contract but the action is subsequently dismissed, and what happens if there is no action seeking judgment on a claim at the time of the execution of any contract between the two parties. Any insurer who receives notice under this section will have the unconditional right to intervene in any pending civil action involving the claim for damages within 30 days after receipt of the notice and insurers intervening in a court</p>
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<p>435.415 537.065</p>	<p>SS HB 345</p>	<p>Referred to Senate</p>	<p>This bill provides that any arbitration award shall not be enforceable against insurers, as defined in the bill, unless the insurer has agreed in writing to the arbitration proceeding or agreement. Unless otherwise required by contract, an insurer's election to not participate in arbitration shall not constitute bad faith. These provisions shall not apply to any arbitration awards arising out of an arbitration agreement preceding the date of injury or loss. The bill specifies that a person having an unliquidated claim for damages against a tort-feasor may enter into a contract with the tort-feasor if the person's insurer has refused to withdraw a reservation of rights or declined coverage for such unliquidated claim. The bill specifies what happens if there is any action seeking a judgment on a claim against a tort-feasor at the time of the execution of any contract between the two parties, what happens if there is a pending action at the time of the execution of a contract but the action is subsequently dismissed, and what happens if there is no action seeking judgment on a claim at the time of the execution of any contract between the two parties. Any insurer who receives notice under this section will have the unconditional right to intervene in any pending civil action involving the claim for damages within 30 days after receipt of the notice and insurers intervening in a court proceeding where the defendant has contracted to limit his or her liability to specified assets shall have all the same rights as are afforded to defendants. These provisions shall not alter or reduce an intervening insurer's obligations to any insureds other than the tort-feasor, including any co-insureds. All terms of a covenant not to execute or any terms of any contract to limit recovery to specified assets must be in writing and signed by the parties to the covenant or contract. No unwritten terms of any covenant or contract under this section will be enforceable against any party to the covenant or contract or any other person or entity. In any action asserting bad faith by</p>

			the insurer, any agreement between the tort-feasor and the insured will be admissible in evidence. The exercise of any rights under this section will not be construed to be bad faith.
192.027	HB 1358	Perfected in the House	The bill creates the "True COVID Liability Act" and contains declarative statements regarding epidemiology, public policy relating to contagious diseases including COVID-19, susceptibility to contagious diseases, personal accountability, legal liability and government-mandated responses as outlined. The bill prohibits the state or any political subdivision thereof from, as a response to a contagious disease, quarantining an individual in any way; limiting the use of otherwise lawful activities in any private property or premises in which extraordinary prevalence of a contagious disease has not been proven; revoking any business license based on an individual's or entity's decision regarding recommendations from a government or scientific entity. No individual, owner, or entity shall be subject to criminal or civil liability in any action alleging exposure to a contagious disease on premises controlled by such person unless they knowingly and purposely, exposed an individual to a contagious disease where such exposure caused the exposed individual to suffer from a clinical disease.
456.1-114 456.4-419	HB 758	Passed out of Rules	This bill establishes a provision regarding interpretation of familial relationships described in trusts and modifies a provision regarding distributions of income or principal from one trust to another trust. FAMILIAL RELATIONSHIPS (Section 456.1-114 RSMo) For the purposes of interpreting a term of familial relationship in a trust, a child conceived or born during a marriage is presumed to be a child of the married persons unless a judicial proceeding is commenced before the death of the presumed parent and it is determined that the presumed parent is not the parent of the child. Additionally, this bill provides that a child who is not conceived or born in a marriage is presumed to not be a child of a person who did not give birth to such child unless a judicial proceeding determines such parentage or the person openly recognized the child as his or her child and such person has not refused to voluntarily support the child. A trustee shall not be liable to any person for exercising discretion in regards to the sufficiency of recognition and support of a child unless the trustee acted in bad faith or with a reckless indifference to the purposes of the trust or the interests of the beneficiaries. The rights afforded to the child shall not be retroactive but shall apply from the time the relationship is established. Under this bill, a child adopted prior to 18 years of age is a child of the adopting parent and not of the natural parents, except that adoption by a spouse of a natural parent shall have no effect on the relationship between the child and the natural parent. Additionally, the terms of a trust shall prevail over this provision of the bill. TRUST DECANTING (Section 456.4-419) Under this bill, a

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211.072	SCS SB 440	Passed out of Senate Committee	<p>This bill provides that a juvenile, under the age of 18, who has been certified to stand trial as an adult, if currently placed in a secure juvenile detention, shall remain in juvenile detention, pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law, unless otherwise ordered by the juvenile court.</p> <p>Upon any final judgment on appeal of the petition to dismiss prosecution of the juvenile under the general laws, and adult charges being filed, if the juvenile is currently in juvenile detention, the juvenile shall remain in detention unless the juvenile posts bond or the juvenile is transferred to an adult jail.</p> <p>Additionally, this act provides that if the juvenile officer does not believe detention in a secure juvenile detention facility would be an appropriate placement or would continue to serve as an appropriate placement, the juvenile officer may file a motion in the adult criminal case, requesting that the juvenile be transferred from juvenile detention to jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in juvenile detention or being transferred to an adult jail. At the hearing, the juvenile, the juvenile's parents and counsel, the prosecuting attorney, and others as provided in the act, shall have the opportunity to present evidence and recommendations.</p> <p>Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility or shall order that the pre-trial certified juvenile be held in an adult jail, but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh certain factors, as provided in the act, when deciding whether to detain a certified juvenile in an adult jail. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every 30 days to determine whether the placement of the certified juvenile in an adult jail is still in the best interest of justice.</p> <p>This act provides that a juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.</p>

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196.076	SB 169	Senate Calendar for Perfection	<p>This bill provides that a food or merchandise container shall not be deemed to be made, formed, or filled as to be misleading, misbranded, or unfairly marketed if the container is filled to less than its capacity for reasons as outlined in the act. Such reasons include protection of the contents of the package, reasonable industry standards for enclosing the contents in the package, product settling, the package performing a specific function, where a reusable container is part of the presentation of the food, the inability to increase the level of fill or reduce the size of the package, and other reasons outlined in the act. No action shall be brought alleging a violation of merchandising practices if the container is in compliance with the provisions of this act.</p>