

HCS HB 782 -- PRODUCTS LIABILITY

SPONSOR: Trent

COMMITTEE ACTION: Voted "Do Pass with HCS" 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 6 to 3.

The following is a summary of the House Committee Substitute for HB 782.

This bill specifies that, in any civil action for personal injury, death, or property damage caused by a product, the plaintiff must prove that the defendant manufactured, sold, or leased the actual product that caused the injury. Manufacturers, sellers, or lessors of products not identified as having been used, ingested, or encountered by an alleged injured party will not be held liable for any alleged injury. A person or any business entity that designs, but does not manufacture, a product shall not be subject to liability for personal injury, death, or property damage caused by the manufacturer's product, even if use of the design is foreseeable.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill follows good case law that supports the idea of liability only following the defendant who sold the bad product. If a person buys an off-brand or knock-off of an original product, it is not fair to sue the original product manufacturer who did not create the off-brand product you bought. This bill will allow quick dismissals of defendants from cases instead of them having to waste time and money going through discovery just to get dismissed later on.

Testifying for the bill were Representative Trent; Missouri Retailers Association; Missouri Tire Industry Association; Missouri Grocers Association; United States Chamber of Commerce; Associated Industries of Missouri; American Tort Reform Association; Missouri Chamber of Commerce and Industry; Dana Frese, Healthcare Services Group; Dana Frese, Missouri Organization Of Defense Lawyers; and the Missouri Civil Justice Reform Coalition, Inc..

OPPONENTS: Those who oppose the bill say that this bill potentially violates the 7th amendment right to a jury trial. This bill also seeks to solve a problem that is not present in this

state. This bill is too broad and will cause more issues than it will solve.

Testifying against the bill was L. Benjamin Mook, Missouri Association Of Trial Attorneys.

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.