

SECOND REGULAR SESSION

# HOUSE BILL NO. 2864

103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE PARKER.

6517H.011

JOSEPH ENGLER, Chief Clerk

---

## AN ACT

To repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to property exempt from attachment and execution.

---

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

Section A. Section 513.430, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 513.430, to read as follows:

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

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.

17 (6) Any mobile home used as the principal residence but not attached to real property  
18 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

19 (7) Any one or more unmaturred life insurance contracts owned by such person, other  
20 than a credit life insurance contract, and up to fifteen thousand dollars of any matured life  
21 insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the  
22 spouse, child, or parent of the beneficiary;

23 (8) The amount of any accrued dividend or interest under, or loan value of, any one or  
24 more unmaturred life insurance contracts owned by such person under which the insured is  
25 such person or an individual of whom such person is a dependent; provided, however, that if  
26 proceedings under Title 11 of the United States Code are commenced by or against such  
27 person, the amount exempt in such proceedings shall not exceed in value one hundred fifty  
28 thousand dollars in the aggregate less any amount of property of such person transferred by  
29 the life insurance company or fraternal benefit society to itself in good faith if such transfer is  
30 to pay a premium or to carry out a nonforfeiture insurance option and is required to be so  
31 transferred automatically under a life insurance contract with such company or society that  
32 was entered into before commencement of such proceedings. No amount of any accrued  
33 dividend or interest under, or loan value of, any such life insurance contracts shall be exempt  
34 from any claim for child support. Notwithstanding anything to the contrary, no such amount  
35 shall be exempt in such proceedings under any such insurance contract which was purchased  
36 by such person within one year prior to the commencement of such proceedings;

37 (9) Professionally prescribed health aids for such person or a dependent of such  
38 person;

39 (10) Such person's right to receive:

40 (a) A Social Security benefit, unemployment compensation or a public assistance  
41 benefit;

42 (b) A veteran's benefit;

43 (c) A disability, illness or unemployment benefit;

44 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty  
45 dollars a month;

46 (e) a. Any payment under a stock bonus plan, pension plan, disability or death benefit  
47 plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or  
48 established pursuant to section 456.014, the person's right to a participant account in any  
49 deferred compensation program offered by the state of Missouri or any of its political  
50 subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age  
51 or length of service, to the extent reasonably necessary for the support of such person and any  
52 dependent of such person unless:

53 (i) Such plan or contract was established by or under the auspices of an insider that  
54 employed such person at the time such person's rights under such plan or contract arose;

55 (ii) Such payment is on account of age or length of service; and

56 (iii) Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408,  
57 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a),  
58 403(a), 403(b), 408, 408A or 409).

59 b. Notwithstanding the exemption provided in subparagraph a. of this paragraph, any  
60 such payment to any person shall be subject to attachment or execution pursuant to a qualified  
61 domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986  
62 (26 U.S.C. Section 414(p)), as amended, issued by a court in any proceeding for dissolution  
63 of marriage or legal separation or a proceeding for disposition of property following  
64 dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse  
65 or lacked jurisdiction to dispose of marital property at the time of the original judgment of  
66 dissolution;

67 (f) Any money or assets, payable to a participant or beneficiary from, or any interest  
68 of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan,  
69 or similar plan, including an inherited account or plan, that is qualified under Section 401(a),  
70 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986 (26 U.S.C. Section  
71 401(a), 403(a), 403(b), 408, 408A, or 409), as amended, whether such participant's or  
72 beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as  
73 provided in this paragraph. Any plan or arrangement described in this paragraph shall not be  
74 exempt from the claim of an alternate payee under a qualified domestic relations order **or an**  
75 **assignee under a final judgment of dissolution of marriage or legal separation**; however,  
76 the interest of any and all alternate payees under a qualified domestic relations order, **or an**  
77 **assignee under a final judgment of dissolution of marriage or legal separation**, shall be  
78 exempt from any and all claims of any creditor, other than the state of Missouri through its  
79 department of social services, **as of the time the interest is awarded or received, and**  
80 **continues to be exempt thereafter**. As used in this paragraph, the terms "alternate payee"  
81 and "qualified domestic relations order" have the meaning given to them in Section 414(p) of  
82 the Internal Revenue Code of 1986 (26 U.S.C. Section 414(p)), as amended. If proceedings  
83 under Title 11 of the United States Code are commenced by or against such person, no  
84 amount of funds shall be exempt in such proceedings under any such plan, contract, or trust  
85 which is fraudulent as defined in subsection 2 of section 428.024 and for the period such  
86 person participated within three years prior to the commencement of such proceedings. For  
87 the purposes of this section, when the fraudulently conveyed funds are recovered and after,  
88 such funds shall be deducted and then treated as though the funds had never been contributed  
89 to the plan, contract, or trust;

90 (11) The debtor's right to receive, or property that is traceable to, a payment on  
91 account of the wrongful death of an individual of whom the debtor was a dependent, to the  
92 extent reasonably necessary for the support of the debtor and any dependent of the debtor;

93 (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five  
94 hundred dollars in value in the aggregate;

95 (13) Any moneys accruing to and deposited in individual savings accounts or  
96 individual deposit accounts under sections 166.400 to 166.456 or sections 166.500 to  
97 166.529, subject to the following provisions:

98 (a) This subdivision shall apply to any proceeding that:

99 a. Is filed on or after January 1, 2022; or

100 b. Was filed before January 1, 2022, and is pending or on appeal after January 1,  
101 2022;

102 (b) Except as provided by paragraph (c) of this subdivision, if the designated  
103 beneficiary of an individual savings account or individual deposit account established under  
104 sections 166.400 to 166.456 or sections 166.500 to 166.529 is a lineal descendant of the  
105 account owner, all moneys in the account shall be exempt from any claims of creditors of the  
106 account owner or designated beneficiary;

107 (c) The provisions of paragraph (b) of this subdivision shall not apply to:

108 a. Claims of any creditor of an account owner as to amounts contributed within a two-  
109 year period preceding the date of the filing of a bankruptcy petition under 11 U.S.C. Section  
110 101 et seq., as amended; or

111 b. Claims of any creditor of an account owner as to amounts contributed within a one-  
112 year period preceding an execution on judgment for such claims against the account owner.

113 2. Nothing in this section shall be interpreted to exempt from attachment or execution  
114 for a valid judicial or administrative order for the payment of child support or maintenance  
115 any money or assets, payable to a participant or beneficiary from, or any interest of any  
116 participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and  
117 408A of the Internal Revenue Code of 1986 (26 U.S.C. Sections 408 and 408A), as amended.

✓