

SECOND REGULAR SESSION

# HOUSE BILL NO. 3116

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PARKER.

6586H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 506.290, 510.030, and 515.625, RSMo, and to enact in lieu thereof three new sections relating to civil jurisprudence.

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

Section A. Sections 506.290, 510.030, and 515.625, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 506.290, 510.030, and 515.625,  
3 to read as follows:

506.290. 1. Any suit under the provisions of sections 506.200 to ~~506.320~~ **506.310**  
2 shall be filed in the county in which the cause of action accrues or in the county where the  
3 plaintiff resides, and if there be other defendants in such action who are residents of the state  
4 of Missouri, then such action shall be brought in any county in which any one of said  
5 defendants resides, or in the county within which the plaintiff resides and the defendant may  
6 be found.

7 2. Any civil suit under the provisions of section 570.223 for a person charged with  
8 identity theft may be filed:

9 (1) In the county in which the offense is committed;

10 (2) If the offense is committed partly in one county and partly in another, or if the  
11 elements of the offense occur in more than one county, then in any of the counties where any  
12 element of the offense occurred;

13 (3) In the county in which the defendant resides;

14 (4) In the county in which the victim resides; or

15 (5) In the county in which the property obtained or attempted to be obtained was  
16 located.

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.

510.030. 1. Upon motion of any party showing good cause therefor and upon notice to all other parties, the court in which an action is pending may:

(1) Order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence material to any matter involved in the action and which are in his **or her** possession, custody, or control; or

(2) Order any party to permit entry upon designated land or other property in his **or her** possession or control for the purpose of inspecting, measuring, surveying, sampling, or photographing the property or any designated relevant object or operation thereon. The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

2. A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. For purposes of this subsection, a statement previously made is a written statement signed or otherwise adopted or approved by the person making it, or a stenographic, mechanical, electrical, audio, video, motion picture or other recording, or a transcription thereof, of the party or of a statement made by the party and contemporaneously recorded.

515.625. 1. Claims not disallowed by the court shall receive distribution under sections 515.500 to 515.665 in the order of priority under subdivisions (1) to (8) of this subsection and, with the exception of subdivisions (1) to (3) of this subsection, on a pro rata basis:

(1) Any secured creditor that is duly perfected under applicable law, whether or not such secured creditor has filed a proof of claim, shall receive the proceeds from the disposition of the estate property that secures its claim. However, the receiver may recover from estate property secured by a lien or the proceeds thereof the reasonable, necessary expenses of preserving, protecting, or disposing of the estate property to the extent of any benefit to a duly perfected secured creditor. If and to the extent that the proceeds are less than the amount of a duly perfected secured creditor's claim or a duly perfected secured creditor's lien is avoided on any basis, the duly perfected secured creditor's claim is an unsecured claim under subdivision (8) of this subsection. Duly perfected secured claims shall be paid from the proceeds in accordance with their respective priorities under otherwise applicable law;

(2) Actual, necessary costs, and expenses incurred during the administration of the receivership, other than those expenses allowable under subdivision (1) of this subsection, including allowed fees and reimbursement of reasonable charges and expenses of the receiver and professional persons employed by the receiver. Notwithstanding subdivision (1) of this subsection, expenses incurred during the administration of the estate have priority over the

20 secured claim of any secured creditor obtaining or consenting to the appointment of the  
21 receiver;

22 (3) A secured creditor that is not duly perfected under applicable law shall receive the  
23 proceeds from the disposition of the estate property that secures its claim if and to the extent  
24 that unsecured claims are made subject to those liens under applicable law;

25 (4) Claims for wages, salaries, or commissions, including vacation, severance, and  
26 sick leave pay, or contributions to an employee benefit plan earned by the claimant within one  
27 hundred eighty days of the date of appointment of the receiver or the cessation of any  
28 business relating to the receivership, whichever occurs first, but only to the extent of ten  
29 thousand nine hundred fifty dollars;

30 (5) Unsecured claims, to the extent of two thousand four hundred twenty-five dollars  
31 for each natural person, arising from the deposit with the person debtor before the date of  
32 appointment of the receiver of money in connection with the purchase, lease, or rental of  
33 estate property or the purchase of services for personal, family, or household use that were not  
34 delivered or provided;

35 (6) Claims for a marital, family, or other support debt, but not to the extent that the  
36 debt is assigned to another person, voluntarily, by operation of law, or otherwise; or includes  
37 a liability designated as a support obligation unless that liability is actually in the nature of a  
38 support obligation;

39 (7) Unsecured claims of governmental units for taxes which accrued prior to the date  
40 of appointment of the receiver;

41 (8) Other unsecured claims.

42 2. If all of the classes under subsection 1 of this section have been paid in full, any  
43 residue shall be paid to the debtor.

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