CCS HCS SS SCS SBs 835 & 1111 -- COURT PROCEDURES

This bill relates to court procedures.

PROPERTY DAMAGE CLAIMS (Section 379.135)

The bill specifies that when an insurer pays any part of a claimant's property damage claim, the legal title automatically transfers to the insurer to the extent of the payment. The claimant keeps the title only to the unpaid portion. The insurer does not need an assignment or any action by the claimant to enforce its rights.

This bill prohibits the solicitation or offering of any instrument by which post-loss benefits under any policy of insurance covering property, including any right of action against the insurer or any proceeds acquired from the insurer are assigned, transferred, or acquired in any other manner, in whole or in part, to or from a person who:

(1) Is providing services including, but not limited to, communicating with an insurer or on an insured's behalf; or

(2) Is inspecting, estimating, protecting, repairing, restoring, or replacing the property or mitigating against further damage to the property.

Any such instrument is against public policy, null and void, and unenforceable.

This provision in this subsection will not apply to:

(1) An assignment, transfer, pledge, or conveyance granted to a financial institution, mortgagee, lienholder, or a subsequent purchaser of the property; and

(2) Any covenant not to execute or contract to limit recovery under Section 537.065, RSMo.

Any violation will be considered a Level 2 violation under Section 374.049.

This should not be construed to prohibit an insured from authorizing or directing payment to, or paying a person for services, materials, or any other thing that may be, or is, covered under an insurance policy. Insurers must issue payment directly to a person for services, materials, and other items

that are covered under an insurance policy, when the insured agrees that any person providing such services should be paid directly, subject to applicable liens.

STATEWIDE COURT AUTOMATION COMMITTEE (Section 476.055)

The bill modifies provisions of law related to the Statewide Court Automation Committee. Specifically, this bill provides that membership will consist of certain judges specified in the bill; two members of the Missouri Bar; two members of the House of Representatives, with one member of the majority party and one member of the minority party; two members of the Senate, with one member of the majority party and one member of the minority party; and four additional ex officio members. The ex officio members will include the Chief Justice of the Supreme Court of Missouri, the commissioner of administration, the Executive Director of the Missouri Office of Prosecution Services, and the Director of the Missouri State Public Defender System.

The appointed members of the Committee will serve for terms of two years and until their successors are appointed. Members of the Committee will be reimbursed from the Statewide Court Automation Fund for actual expenses related to the duties of the Committee.

This bill provides that the Committee will maintain, rather than implement, a statewide court automation system.

The bill specifies that by the 15th day of January of each year, the Committee will electronically file a report on the progress of the statewide court automation system with chairs of certain legislative committees outlined in the bill.

The bill repeals the provision allowing the Committee to continue to function until completions of its duties.

TREATMENT COURTS (Section 478.003)

This bill provides that in each treatment court division without a treatment court administrator or a treatment court commissioner, the court must employ a treatment court administrator, subject to appropriations or other funds available. If other funds available are used, the source will reimburse the State for the costs of the salary and benefits of the administrator.

CERTAIN CIRCUIT JUDGES (Section 478.700)

This bill codifies three circuit judges, including the circuit judgeship approved in the fiscal year 2026 appropriation and appointed by the Governor in 2025, in the 25th Judicial Circuit. The circuit judge appointed in 2025 will serve until January 1, 2029, and then the position will be filled by the election of a four-year term in 2028 and a full six-year term in 2032 and thereafter.

CIVIL CASE FILING SURCHARGE (Section 488.426)

Currently, any circuit court can collect a civil case filing surcharge of an amount not to exceed $15. If the circuit court reimburses the State for salaries of family court commissioners or is the circuit court in Jackson County, the surcharge may be up to $20. This bill provides that the circuit court in the City of St. Louis can charge a filing surcharge up to $20.

ATTACHMENT AND EXECUTION (Sections 513.380, 513.423, 513.430, and 513.475)

Under current law, whenever an execution against the property of any judgment debtor is returned unsatisfied, within five years of the return, the judgment creditor may be entitled to an order by the court rendering such judgment, requiring the judgment debtor to undergo an examination on the ability and means to satisfy the judgment, and in the case of neglect or refusal, issuing a writ of attachment and punishing the judgment debtor for contempt. This bill instead provides a judgment creditor must, upon motion made at any time before the judgment is satisfied of record and presumed paid, be entitled to such orders.

Additionally, under current law, a judgment debtor can be granted immunity from prosecution by any prosecuting or circuit attorney for statements made at a judgment debtor's examination. This bill instead provides that a judgment debtor will enjoy full use and derivative immunity and that no testimony in an examination can be used against a witness, except in cases of perjury or for giving false statements.

The bill changes the value of property that can be exempt from attachment and execution as follows:

(1) Household furnishings and goods, apparel, appliances, books, animals, crops, or musical instruments, held for personal, family, or household use from the current amount of $3,000 to $15,000 in value in the aggregate;

(2) A wedding ring not exceeding $1,500 in value and jewelry held for personal, family or household use from the current amount of $500 to $1,700 in value in the aggregate;

(3) Any other property of any kind from the current amount of $600 to $1,700 in the aggregate;

(4) Any motor vehicles from the current amount of $3,000 to $5,000, which can be increased to the unused amount allowed for household furnishings, etc. listed in (1) above, not to exceed an additional $10,000;

(5) A mobile home used as a residence, from the current amount of $5,000 to $12,000.

The bill amends the maximum value of a homestead that can be exempt from attachment and execution, from the current aggregate value of $15,000 to $40,000.

Beginning April 1, 2029, and every three years thereafter, these amounts will be adjusted to reflect the change in the Consumer Price Index for All Urban Consumers, published by the United States Department of Labor, or its successor index, as specified in the bill.

Beginning March 1, 2029, and every three years thereafter, the Revisor of Statutes must publish a schedule of adjusted dollar amounts annually, as specified in the bill. Adjustments made in accordance with the three-year interval will not apply to cases commenced before the date of such adjustments.

These provisions have a delayed effective date of January 1, 2027.

CERTAIN ORDERS OF GARNISHMENT (Section 525.235)

This bill outlines orders of garnishment issued for the purpose of attaching to account funds held by a "financial institution", as defined in the bill. Such orders will attach on the date of service, provided that the effective date of service is a banking

day and made prior to the business cutoff time, in which case it will attach the next business day. If an account receives electronic deposits for exempted funds, the attachment date will be the date and banking day that the financial institution applies for the look-back analysis. Additionally, where there are two or more accounts, the amount can be withheld from any of the accounts identified in the order, and the attachment dates between the accounts can be different depending on the look-back analysis.

If the account is held in joint tenancy with an individual not subject to the order of garnishment, the entire amount will be withheld, and the garnishee must provide a copy of the order of garnishment to each account holder within two business days. Within 30 days of the date of the attachment of the garnishment, each account holder can file an objection or request of exemption of all or a portion of the account with the issuing court and serve their objection or request on the garnishor and the garnishee. If such objection or request is not resolved within 30 days, the garnishee can pay the garnished funds to the circuit court to be held for pending resolution. Furthermore, the garnishee must not be liable to the joint owners if the funds are later proven to be not of the judgment debtors.

The return date for orders of garnishment will be no less than 30 days from the effective date of service. This bill also provides certain information to be included in orders of garnishment for funds held by financial institutions.

The bill prohibits parties from seeking a garnishment of account funds held by a financial institution unless there is a good-faith belief that the party to be served with the garnishment has, or will have, account assets of the judgment debtor. No more than one garnishment for the same claim and against the same judgment debtor will be issued within any 30-day period, unless exempted by court order, as detailed in the bill.

A financial institution does not have a duty to investigate or assert the defenses of a judgment debtor. A financial institution served with an order of garnishment and interrogatories must answer within 20 days and must release funds to the judgment debtor 60 days after an answer is submitted or sooner if required under an order to pay or paid into the court. A financial institution is not required to respond to interrogatories not related to account funds.

This bill does not apply to wage garnishments or garnishments of property other than account funds held by a financial institution. Garnishees are also not required to search for, hold, or return wages or other property.

The provisions relating to orders of garnishment of account funds held by financial institutions must be implemented and administered in accordance with rules of the Supreme Court of Missouri.

The provisions of this bill relating to orders of garnishment for funds held by financial institutions will be effective on January 1, 2028.

UNIFORM PUBLIC EXPRESSION PROTECTION ACT (Section 537.529)

This bill establishes the "Uniform Public Expression Protection Act".

The bill relates to causes of action filed against individuals who exercise certain constitutional rights. The bill specifies that when a "person", defined as an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity, has a cause of action filed against the person based upon the person's communication in a governmental proceeding or on an issue under consideration in a governmental proceeding, or when the person exercises their right of freedom of speech or of the press, the right to assemble, or the right of association on a matter of public concern, that person can file a special motion to dismiss the cause of action. Certain exceptions are outlined in the bill.

This bill establishes procedures for such special motions to dismiss. The bill specifies under which circumstances a court can award costs, reasonable attorney's fees, and reasonable litigation expenses.

The provisions of the bill apply to civil actions filed on or after August 28, 2026.