

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 578, Page 1, In the Title, Line 3, by  
2 deleting the phrase "commercial receiverships" and inserting in lieu thereof the phrase "civil  
3 procedure"; and  
4

5 Further amend said bill and page , Section A, Line 7, by inserting after all of said section and line  
6 the following:  
7

8 "513.430. 1. The following property shall be exempt from attachment and execution to the  
9 extent of any person's interest therein:

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

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

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

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

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

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

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

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

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1 shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no  
2 such amount shall be exempt in such proceedings under any such insurance contract which was  
3 purchased by such person within one year prior to the commencement of such proceedings;

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

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

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

7 (b) A veteran's benefit;

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

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

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

17 a. Such plan or contract was established by or under the auspices of an insider that  
18 employed such person at the time such person's rights under such plan or contract arose;

19 b. Such payment is on account of age or length of service; and

20 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or  
21 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b),  
22 408, 408A or 409);

23  
24 except that any such payment to any person shall be subject to attachment or execution pursuant to a  
25 qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of  
26 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal  
27 separation or a proceeding for disposition of property following dissolution of marriage by a court  
28 which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital  
29 property at the time of the original judgment of dissolution;

30 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of any  
31 participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar  
32 plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b),  
33 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or  
34 beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as  
35 provided in this paragraph. Any plan or arrangement described in this paragraph shall not be  
36 exempt from the claim of an alternate payee under a qualified domestic relations order; however, the  
37 interest of any and all alternate payees under a qualified domestic relations order shall be exempt  
38 from any and all claims of any creditor, other than the state of Missouri through its department of  
39 social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic  
40 relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of  
41 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or  
42 against such person, no amount of funds shall be exempt in such proceedings under any such plan,  
43 contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period  
44 such person participated within three years prior to the commencement of such proceedings. For  
45 the purposes of this section, when the fraudulently conveyed funds are recovered and after, such  
46 funds shall be deducted and then treated as though the funds had never been contributed to the plan,  
47 contract, or trust;

48 (11) The debtor's right to receive, or property that is traceable to, a payment on account of

1 the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably  
2 necessary for the support of the debtor and any dependent of the debtor;

3 (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five  
4 hundred dollars in value in the aggregate.

5 2. Nothing in this section shall be interpreted to exempt from attachment or execution for a  
6 valid judicial or administrative order for the payment of child support or maintenance any money or  
7 assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary  
8 in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of  
9 1986, as amended."; and

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.