

SECOND REGULAR SESSION

# HOUSE BILL NO. 1745

96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GOSEN.

5066L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 506, RSMo, by adding thereto one new section relating to right of intervention by insurers in certain civil actions.

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

Section A. Chapter 506, RSMo, is amended by adding thereto one new section, to be  
2 known as section 506.400, to read as follows:

3 **506.400. 1. When a civil action is filed in the courts of this state and an insurer may**  
4 **be obligated to provide a defense to such action or indemnity for any judgment rendered**  
5 **therein, such insurer shall have the right to intervene in such action and request the court**  
6 **to determine the extent of the insurer's coverage obligations.**

7 **2. If an insurer does intervene, the court shall finally determine the extent of**  
8 **coverage before proceeding with the merits of the underlying action. The court's judgment**  
9 **as to coverage shall be considered final and subject to appeal even if issues related to the**  
10 **underlying action remain adjudicated.**

11 **3. Notwithstanding any other provision of law to the contrary, if an insurer**  
12 **proceeds in the manner prescribed in this section, the insurer's actions shall not constitute**  
13 **a breach, either present or anticipatory, of any contract of insurance.**

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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.