

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1531

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEGROOT.

4988H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to interpleading in civil proceedings.

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

Section A. Section 507.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 507.060, to read as follows:

507.060. **1.** Persons having claims against the plaintiff **or plaintiff's insured** may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to ~~double or~~ multiple liability, **including multiple claims against the same insurance coverage**. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that he is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross-claim or counterclaim. The provisions of this section supplement and do not in any way limit the joinder of parties permitted in section 507.040.

2. For purposes of this subsections 2 to 5 of this section, the term "plaintiff" means the insurer, or any entity which is provided for in sections 537.700 through 537.756 or which provides risk management services to any public or private entity, of an insured person or entity subject to more than one claim.

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.

15 **3. For purposes of this subsections 2 to 5 of this section, the term “claim” means all**
16 **actual or potential claims against a plaintiff or plaintiff's insured.**

17 **4. If, within ninety days after receiving the first offer of settlement or demand for**
18 **payment by a claimant, a plaintiff files an action for interpleader under this section and**
19 **the insurer timely deposits all applicable limits of coverage into court within thirty days**
20 **of the court's order granting interpleader, the plaintiff shall not be liable to any insured**
21 **or defendant for any amount in excess of the plaintiff's contractual limits of coverage in**
22 **the interpleader or any other action, so long as the plaintiff defends its insured from any**
23 **claim or lawsuit for damages allegedly caused by the occurrence for which the limits of**
24 **coverage were paid into court, even after depositing its limits of coverage into court**
25 **notwithstanding any policy provision releasing the insurer of its duty to defend the insured.**

26 **5. Nothing in this section shall require a release or dismissal of any claim for**
27 **damages against any insured person or entity upon interpleader by an insurer of that**
28 **person or entity. However, the satisfaction of any judgment against that person or entity**
29 **shall not include further recovery from any insurer if that insurer has deposited its limits**
30 **of coverage into court and defends its insured as required by subsection 4 of this section.**

31 **6. Nothing in this section shall be construed, expressly or by implication, to amend,**
32 **modify, or abrogate any contractual rights, duties, or obligations under any insurance**
33 **contract including, but not limited to, any provisions relating to the duty to defend, except**
34 **when a plaintiff has deposited its limits of coverage into court and defended its insured as**
35 **required by subsection 4 of this section.**

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