

SECOND REGULAR SESSION

# HOUSE BILL NO. 1049

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RHOADS.

4112L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 379.901, RSMo, relating to prepaid legal service plans.

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

Section A. Section 379.901, RSMo, is repealed.

[379.901. 1. As used in this section the term "prepaid legal service plan", means any person, company, corporation, partnership or other legal entity who collects periodic fees on a prepaid basis from residents of this state in connection with legal coverage other than:

(a) Retainer contracts made by attorneys-at-law with an individual client with fees based on estimates of the nature and amount of legal services to be provided to that specific client and similar contracts made with a group of clients involved in the same or closely related legal matters;

(b) Any lawyer aid or other legal services program for the indigent;

(c) Any employer-employee welfare benefit plans to the extent that state laws are superseded by the Employee Retirement Income Security Act of 1974, 29 U.S.C., s. 1144, or any amendments thereto, provided evidence of exemption from state law is shown to the department;

(d) The furnishing of legal assistance by labor unions and other employee organizations to their members in matters relating to employment or occupations;

(e) The furnishing of legal assistance to members or their dependents by churches, cooperatives, educational institutions, credit unions, labor unions or other organizations of employees, where such organizations contract with and pay directly a lawyer or law firm for the provision of legal services, where the

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.

20 assistance is provided as an incident to membership and not on the basis of an  
21 optional fee or charge and the administration of such program of legal assistance  
22 is wholly conducted by the organization;

23 (f) Legal services provided by an agency of the federal or state  
24 government or a subdivision thereof to its employees.

25 2. Any person who solicits memberships on behalf of a prepaid legal  
26 services plan shall be licensed as an insurance agent as provided by chapter 375.]

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