

FIRST REGULAR SESSION

HOUSE BILL NO. 462

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOLKMEYER.

1177H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend supreme court rule 52.12, for the purpose of prohibiting a person from intervening in a tort action if jurisdiction and venue cannot be established independently.

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

Section A. Missouri supreme court rule 52.12 is amended to read as follows:

- 2 (a) Intervention of Right. Upon timely application anyone shall be permitted to intervene
3 in an action: (1) when a statute of this state confers an unconditional right to intervene or (2)
4 when the applicant claims an interest relating to the property or transaction that is the subject of
5 the action and the applicant is so situated that the disposition of the action may as a practical
6 matter impair or impede the applicant's ability to protect that interest, unless the applicant's
7 interest is adequately represented by existing parties.
- 8 (b) Permissive Intervention. Upon timely application anyone may be permitted to
9 intervene in an action: (1) when a statute of this state confers a conditional right to intervene;
10 or (2) when an applicant's claim or defense and the main action have a question of law or fact
11 in common; or (3) when the validity of a statute, regulation or constitutional provision of this
12 state, or an ordinance or regulation of a governmental subdivision thereof, affecting the public
13 interest, is drawn in question in any action to which the state or governmental subdivision or an
14 officer, agency or employee thereof is not a party, the court may in its discretion notify the chief
15 legal officer of the state or governmental subdivision thereof, and the state or governmental
16 subdivision may in the discretion of the court be permitted to intervene, upon proper application.
- 17 (c) Procedure. A person desiring to intervene shall serve a motion upon all parties
18 affected thereby. The motion shall state the grounds therefor, and shall be accompanied by a

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.

19 pleading setting forth the claim or defense for which intervention is sought. The same procedure
20 shall be followed when a statute of this state gives a right to intervene.

21 **(d) Venue. No person shall be allowed to intervene in any action in which a tort is**
22 **alleged if that person could not independently establish jurisdiction and venue.**

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