

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 462

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KOLKMEYER.

1177H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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*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:

RULE 52.12. INTERVENTION.

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.

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.

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  
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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