

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 1531

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:

1 Section A. Section 507.060, RSMo, is repealed and one new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

4 507.060. 1. Persons having claims against the plaintiff or
5 plaintiff's insured may be joined as defendants and required to
6 interplead when their claims are such that the plaintiff is or
7 may be exposed to [double or] multiple liability, including
8 multiple claims against the same insurance coverage. It is not
9 ground for objection to the joinder that the claims of the
10 several claimants or the titles on which their claims depend do
11 not have a common origin or are not identical but are adverse to
12 and independent of one another, or that the plaintiff avers that
13 he is not liable in whole or in part to any or all of the
14 claimants. A defendant exposed to similar liability may obtain
15 such interpleader by way of cross-claim or counterclaim. The
16 provisions of this section supplement and do not in any way limit
17 the joinder of parties permitted in section 507.040.

18 2. For purposes of this subsections 2 to 5 of this section,

1 the term "plaintiff" means the insurer, or any entity which is
2 subject to sections 537.700 to 537.756 or which provides risk
3 management services to any public or private entity, of an
4 insured person or entity subject to more than one claim arising
5 out of any one incident or occurrence, but only when such claims
6 total an amount in excess of the plaintiff's total limits of
7 coverage available for that one incident or occurrence.

8 3. For purposes of this subsections 2 to 5 of this section,
9 the term "claim" means all actual or potential claims against a
10 plaintiff or plaintiff's insured arising from the one incident or
11 occurrence referred to in subsection 2 of this section.

12 4. If, within ninety days after receiving the first offer
13 of settlement or demand for payment by a claimant, a plaintiff
14 files an action for interpleader under this section and the
15 plaintiff timely deposits all of its applicable limits of
16 coverage into court within thirty days of the court's order
17 granting interpleader, the plaintiff shall not be liable to any
18 insured or defendant for any amount in excess of the plaintiff's
19 contractual limits of coverage in the interpleader or any other
20 action, so long as the plaintiff defends all of its insureds in
21 good faith from any claims or lawsuits for damages allegedly
22 caused by the incident or occurrence for which the limits of
23 coverage were paid into court, even after depositing its limits
24 of coverage into court notwithstanding any policy provision
25 releasing the plaintiff of its duty to defend any of the
26 insureds. Any insured's refusal of the plaintiff's good faith
27 defense shall not affect the plaintiff's rights under this
28 section.

1 5. Nothing in this section shall require a release or
2 dismissal of any claim for damages against any insured person or
3 entity upon interpleader by an insurer of that person or entity.

4 6. Nothing in this section shall be construed, expressly or
5 by implication, to amend, modify, or abrogate any insured's right
6 to consent or control the defense or settlement of any claim as
7 may be provided in any insurance contract.