

FIRST REGULAR SESSION

# HOUSE BILL NO. 118

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHULL (16).

0033H.03I

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 375, RSMo, by adding thereto three new sections relating to insurance litigation.

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

Section A. Chapter 375, RSMo, is amended by adding thereto three new sections, to be known as sections 375.1800, 375.1803, and 375.1806, to read as follows:

**375.1800. 1. A domestic insurance company shall be deemed for all purposes, including venue, to reside in, and be a resident of, the county where its registered office is maintained.**

**2. A foreign insurance company shall be deemed for all purposes, including venue, to reside in, and be a resident of, the county where its registered office is maintained. If a foreign insurance company does not maintain a registered office in any county in Missouri, the foreign insurance company shall be deemed to reside in and be a resident of Cole County.**

**375.1803. 1. Notwithstanding any other provision of the law to the contrary, in all actions in which there is any count against an insurer, whether in tort or contract, regarding the rights, benefits, or duties under an insurance contract or any action arising from an insurance contract including, but not limited to, claims of bad faith, refusal to settle, claims under section 375.296, or claims under section 375.420, venue shall be in the county where the insurer resides or, if the insured was a resident of Missouri at the time the insurance contract was issued, the county of the insured's principal place of residence, as defined under section 508.010, at the time the insurance contract was issued. Venue shall be determined by this section even if the insured's rights or claims under the policy**

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.

10 have been assigned or otherwise transferred to another party. However, intervention by  
11 an insurer in an action under section 537.065 shall not affect the venue of the action.

12 2. The provisions of this section shall not apply to any action against an insurer  
13 relating to uninsured motorist coverage or underinsured motorist coverage, including any  
14 action to enforce such coverage.

375.1806. Notwithstanding any provision of the law to the contrary, in all actions  
2 against an insurer relating to uninsured motorist coverage or underinsured motorist  
3 coverage, including any action to enforce such coverage, venue as to that individual  
4 plaintiff shall be determined as follows:

5 (1) If the accident involving the uninsured or underinsured motor vehicle occurred  
6 in Missouri, venue shall be in the county where the accident occurred;

7 (2) If the accident involving the uninsured or underinsured motor vehicle occurred  
8 outside the state of Missouri, venue shall be in either:

9 (a) The county where the insurer resides; or

10 (b) If the insured's principal place of residence, as defined under section 508.010,  
11 was in the state of Missouri on the date the insured was first injured in the accident  
12 involving an uninsured or underinsured motor vehicle, the county of the insured's  
13 principal place of residence on the date the insured was first injured in such accident.

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