

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 728

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BILLINGTON.

1693H.01P

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 507.010, RSMo, and to enact in lieu thereof one new section relating to the name of the party in interest in certain civil actions.

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

Section A. Section 507.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 507.010, to read as follows:

507.010. **1. Except as provided in subsection 2 in this section,** every action shall be prosecuted in the name of the real party in interest, but an executor, administrator, personal representative, guardian, conservator, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name in such representative capacity without joining with him the party for whose benefit the action is brought; and when a statute so provides, an action for the use or benefit of another shall be brought in the name of the state of Missouri.

**2. Except if the party in interest is a minor, in any action arising under the Establishment Clause of the First Amendment to the United States Constitution or under Article I, Section 5 or 7 of the Constitution of Missouri, such action shall be prosecuted in the name of the real party in interest.**

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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.