

HB 120 -- CIVIL PROCEDURE

SPONSOR: DeGroot

This bill specifies that an arbitration award or any judgment or decree entered on an arbitration award will not be binding on any liability insurer, admissible into evidence in any lawsuit against any liability insurer for any party to an award, or provide the basis for any judgment or decree, including garnishment, against any liability insurer, unless such insurer has also agreed in writing to the arbitration proceeding. Arbitration awards or judgments or decrees relating to arbitration awards shall not be subject to garnishment, enforcement, or collection from any liability insurer unless the insurer has agreed in writing to the arbitration agreement. Unless required by contract, a liability insurer's election not to participate in arbitration proceedings will not constitute, nor be construed to be, bad faith.

Additionally, upon intervention by an insurer in a dispute between a person and a tort-feasor where there is a contract under Section 537.065, RSMo, between the two, the insurer will have all the rights afforded to defendants under the Missouri Rules of Civil Procedure. The intervenor will also have the right to assert any rights or raise any defenses that would have been available to the tort-feasor and that would have been available to the tort-feasor in the absence of the contract.