

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1647
103RD GENERAL ASSEMBLY

4221H.03C

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 379, RSMo, by adding thereto one new section relating to reimbursements made to insurers.

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

Section A. Chapter 379, RSMo, is amended by adding thereto one new section, to be
2 known as section 379.199, to read as follows:

**379.199. 1. Whether or not a claim has been assigned or subrogated to an
2 insurer, if, prior to the filing of a civil action for recovery of property damage arising
3 from an alleged tort, a defendant or his or her insurer or authorized representative, or
4 any combination thereof, reimburses a claimant's insurer all or any part of the
5 claimant's deductible or property damage amounts paid by the claimant's insurer, then
6 any portion of the claimant's claim for damages that are satisfied by the reimbursement
7 shall not be recoverable from the defendant or defendant's insurer to the extent such
8 recovery would result in a duplicative recovery by the claimant.**

**9 2. Nothing in this section shall impair any lawful subrogation rights of an
10 insurer.**

**11 3. Notwithstanding section 490.715, any party may present evidence of payments
12 made under this section to the claimant or on behalf of the claimant to the claimant's
13 insurer. Such payments shall be credited as an offset against any compensable
14 judgment in a civil action for recovery of property damage.**

✓

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.