

SECOND REGULAR SESSION

# SENATE BILL NO. 778

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Pre-filed December 6, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4898S.01I

## AN ACT

To repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to an insurer's liability in an interpleader action.

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

Section A. Section 507.060, RSMo, is repealed and one new section  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

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

11 **2. For purposes of this section, the term "claim" includes all actual or**  
12 **potential claims against a plaintiff or plaintiff's insured and the term "plaintiff"**  
13 **includes the insurer of an insured person or entity subject to more than one**  
14 **claim.**

15 **3. If within ninety days after receiving any offer of settlement or demand**  
16 **for payment by one or more claimants the plaintiff files an action for**  
17 **interpleader under this section and the insurer timely deposits all applicable**  
18 **limits of coverage into the court within thirty days of the court's order granting**  
19 **interpleader, the plaintiff shall not be liable to any insured or defendant for any**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 amount in excess of the plaintiff's contractual limits of coverage in the  
21 interpleader or any other action, so long as the plaintiff defends its insured from  
22 any further claim or lawsuit, even after depositing its limits of coverage into the  
23 court notwithstanding any policy provision otherwise releasing the insurer of its  
24 duty to defend the insured.

25 4. Nothing in this section shall require a release or dismissal of any claim  
26 for damages against any insured person or entity upon interpleader by an  
27 insurer of that person or entity, however the satisfaction of any judgment against  
28 that person or entity shall not include further recovery from any insurer, if that  
29 insurer has deposited its limits of coverage into court as provided in subsection  
30 3 of this section.

✓