

FIRST REGULAR SESSION

SENATE BILL NO. 303

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time January 17, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1306S.01I

AN ACT

To repeal section 537.065, RSMo, and to enact in lieu thereof one new section relating to contracts limiting tortfeasor liability.

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

Section A. Section 537.065, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.065, to read as follows:

537.065. 1. Any person having an unliquidated claim for damages against
2 a [tort-feasor] **tortfeasor**, on account of bodily injuries or death, **provided that**
3 **such tortfeasor's insurer or indemnitor has the opportunity to defend**
4 **the tortfeasor unconditionally but refuses to do so**, may enter into a
5 contract with such [tort-feasor] **tortfeasor** or any insurer in his behalf or both,
6 whereby, in consideration of the payment of a specified amount, the person
7 asserting the claim agrees that in the event of a judgment against the
8 [tort-feasor] **tortfeasor**, neither he nor any person, firm or corporation claiming
9 by or through him will levy execution, by garnishment or as otherwise provided
10 by law, except against the specific assets listed in the contract and except against
11 any insurer which insures the legal liability of the [tort-feasor] **tortfeasor** for
12 such damage and which insurer is not excepted from execution, garnishment or
13 other legal procedure by such contract. Execution or garnishment proceedings in
14 aid thereof shall lie only as to assets of the [tort-feasor] **tortfeasor** specifically
15 mentioned in the contract or the insurer or insurers not excluded in such
16 contract. Such contract, when properly acknowledged by the parties thereto, may
17 be recorded in the office of the recorder of deeds in any county where a judgment
18 may be rendered, or in the county of the residence of the [tort-feasor] **tortfeasor**,
19 or in both such counties, and if the same is so recorded then such [tort-feasor's]

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

20 **tortfeasor's** property, except as to the assets specifically listed in the contract,
21 shall not be subject to any judgment lien as the result of any judgment rendered
22 against the [tort-feasor] **tortfeasor**, arising out of the transaction for which the
23 contract is entered into.

24 **2. Where a judgment is entered pursuant to this section and is**
25 **offered as proof of the tortfeasor's liability or the claimant's damages**
26 **in a subsequent action against an insurer or indemnitor, such insurer**
27 **or indemnitor shall have the right to challenge the reasonableness of**
28 **the judgment and factual and legal determinations affecting coverage.**

Unofficial ✓

Bill

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