

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 252

100TH GENERAL ASSEMBLY

Reported from the Committee on Insurance and Banking, February 21, 2019, with recommendation that the Senate Committee Substitute do pass.

0113S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 375, RSMo, by adding thereto three new sections relating to insurance litigation.

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

Section A. Chapter 375, RSMo, is amended by adding thereto three new sections, to be known as sections 375.1800, 375.1803, and 375.1806, to read as follows:

375.1800. 1. A domestic insurance company shall be deemed for all purposes, including venue, to reside in, and be a resident of, the county where its registered office is maintained.

2. A foreign insurance company shall be deemed for all purposes, including venue, to reside in, and be a resident of, the county where its registered office is maintained. A foreign insurance company that does not maintain a registered office in any county in Missouri shall be deemed to reside in, and be a resident of, Cole County.

375.1803. 1. Notwithstanding any provision of law to the contrary, in all actions in which there is any count against an insurer, whether in tort or contract, regarding the rights, benefits, or duties under an insurance contract or any action arising from an insurance contract, including but not limited to claims of breach of contract, bad faith, or breach of fiduciary duty, venue shall be in the county where the insurer resides, or if the insured was a resident of Missouri at the time the insurance contract was issued, the county of the insured's principal place of residence, as defined in section 508.010, at the time the insurance contract was issued. Venue shall be determined by this section even if the insured's rights or claims under the policy have

12 been assigned or otherwise transferred to another party. However,
13 intervention by an insurer in an action pursuant to section 537.065
14 shall not affect the venue of the action.

15 2. The provisions of this section shall not apply to any action
16 against an insurer relating to uninsured motorist coverage or
17 underinsured motorist coverage, including any action to enforce such
18 coverage.

19 3. Venue for a vexatious refusal to pay claim under section
20 375.296 or section 375.420 to collect an amount due under uninsured
21 motorist or underinsured motorist coverage shall not be determined in
22 accordance with the provisions of this section, but shall be determined
23 by the provisions of section 375.1806. However, venue for any other
24 vexatious refusal to pay claim to collect an amount due under any other
25 type of policy or coverage shall be determined in accordance with the
26 provisions of this section.

 375.1806. Notwithstanding any provision of law to the contrary,
2 in all actions against an insurer relating to uninsured motorist
3 coverage or underinsured motorist coverage, including any action to
4 enforce such coverage, venue as to that individual plaintiff shall be
5 determined as follows:

6 (1) If the accident involving the uninsured or underinsured
7 motor vehicle occurred in Missouri, then venue shall be in the county
8 where the accident occurred;

9 (2) If the accident involving the uninsured or underinsured
10 motor vehicle occurred outside the state of Missouri, then venue shall
11 either be in:

12 (a) The county where the insurer resides; or

13 (b) If the insured's principal place of residence, as defined in
14 section 508.010, was in the state of Missouri on the date the insured was
15 first injured by the accident involving an uninsured or underinsured
16 motor vehicle, the county of the insured's principal place of residence
17 on the date the insured was first injured by such accident.

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