

FIRST REGULAR SESSION

# HOUSE BILL NO. 339

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEGROOT.

0981H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 537.065, RSMo, and to enact in lieu thereof one new section relating to tort claims.

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*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Section A. Section 537.065, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.065, to read as follows: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 a tort-feasor, on account of bodily injuries or death, may enter into a contract with such tort-feasor or any insurer in his **or her** behalf or both, whereby, in consideration of the payment of a specified amount, the person asserting the claim agrees that in the event of a judgment against the tort-feasor, neither ~~he~~ **such person** nor any person, firm, or corporation claiming by or through him **or her** will levy execution, by garnishment or as otherwise provided by law, except against the specific assets listed in the contract and except against any insurer which insures the legal liability of the tort-feasor for such damage and which insurer is not excepted from execution, garnishment or other legal procedure by such contract **but not to exceed the applicable monetary limits of such insurance contract.**

**2.** Execution or garnishment proceedings in aid thereof shall lie only as to assets of the tort-feasor specifically mentioned in the contract or the insurer or insurers not excluded in such contract **if the insurer or insurers have been notified of the contract and provided with the opportunity to intervene in any lawsuit relating to the unliquidated claim for damages as set forth under subsection 4 of this section.**

**3.** Such contract, when properly acknowledged by the parties thereto, may be recorded in the office of the recorder of deeds in any county where a judgment may be rendered, or in the

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.

18 county of the residence of the tort-feasor, or in both such counties, and if the same is so recorded  
19 then such tort-feasor's property, except as to the assets specifically listed in the contract, shall not  
20 be subject to any judgment lien as the result of any judgment rendered against the tort-feasor,  
21 arising out of the transaction for which the contract is entered into.

22 **4. Before execution or garnishment proceedings may be brought against any**  
23 **insurer, the insurer or insurers shall be provided with written notice of the execution of the**  
24 **contract. Within thirty days after receipt of such notice, the insurer or insurers shall be**  
25 **given the opportunity to intervene as a matter of right in any pending lawsuit involving the**  
26 **claim for damages.**

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