

FIRST REGULAR SESSION

HOUSE BILL NO. 70

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

0505H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 507.010, RSMo, and to enact in lieu thereof one new section relating to the name of the party in interest in certain civil actions.

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

Section A. Section 507.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 507.010, to read as follows:

507.010. **1. Except as provided in subsection 2 of this section,** every action shall be prosecuted in the name of the real party in interest, but an executor, administrator, personal representative, guardian, conservator, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name in such representative capacity without joining with him the party for whose benefit the action is brought; and when a statute so provides, an action for the use or benefit of another shall be brought in the name of the state of Missouri.

2. Except if the party in interest is a minor, in any action arising under the Establishment Clause of the First Amendment to the United States Constitution or under Article I, Section 5 or 7 of the Constitution of Missouri, such action shall be prosecuted in the name of the real party in interest.

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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.