

FIRST REGULAR SESSION

# SENATE BILL NO. 259

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 9, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1164S.011

## AN ACT

To amend supreme court rule 52.12, for the purpose of prohibiting intervention where venue and jurisdiction do not exist.

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

Section A. Missouri supreme court rule 52.12 is amended to read as follows:

52.12. (a) Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of this state confers an unconditional right to intervene or (2) when the applicant claims an interest relating to the property or transaction that is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

(b) Permissive Intervention. Upon timely application anyone may be permitted to intervene in an action: (1) when a statute of this state confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common; or (3) when the validity of a statute, regulation or constitutional provision of this state, or an ordinance or regulation of a governmental subdivision thereof, affecting the public interest, is drawn in question in any action to which the state or governmental subdivision or an officer, agency or employee thereof is not a party, the court may in its discretion notify the chief legal officer of the state or governmental subdivision thereof, and the state or governmental subdivision may in the discretion of the court be permitted to intervene, upon proper application.

(c) Procedure. A person desiring to intervene shall serve a motion upon all parties affected thereby. The motion shall state the grounds therefor, and

21 shall be accompanied by a pleading setting forth the claim or defense for which  
22 intervention is sought. The same procedure shall be followed when a statute of  
23 this state gives a right to intervene.

24 **(d) Venue. No person shall be allowed to intervene in any action**  
25 **in which a tort is alleged if that person could not independently**  
26 **establish jurisdiction and venue.**

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