

By: Representative Fleming

To: Judiciary A

HOUSE BILL NO. 87

1 AN ACT TO REQUIRE THAT JURIES SHALL BE INFORMED OF THE REAL
2 PARTY IN INTEREST IN LAWSUITS; TO PROVIDE THAT NO INSURANCE
3 POLICIES SHALL CONFLICT WITH THIS ACT; TO REVISE IDENTIFICATION OF
4 INSURED DEFENDANTS; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** This act shall be known and may be cited as the
7 "Truthfulness in Jury Trials Act."

8 **SECTION 2.** In actions filed in the courts of the State of
9 Mississippi, the real party in interest shall be named as a
10 defendant, and a jury shall be told truthfully of the identity of
11 the real party in interest. This requirement of truthfulness
12 applies to every suit of every kind, including suits whereby the
13 defendant has liability insurance coverage. The practice whereby
14 the true facts are hidden from juries by not informing the jury
15 that the real party in interest is a liability insurance carrier
16 is hereby abolished, and liability insurance companies who have an
17 interest in the outcome of litigation shall be named as
18 defendants.

19 **SECTION 3.** No insurance company may insert into their
20 policies any provision inconsistent with this act, and any such
21 provision is void. A provision in an insurance policy providing
22 that no action against an insurance company may not be brought
23 until a judgment is first obtained against the insured is hereby
24 declared void as against public policy.

25 **SECTION 4.** In any civil action alleging wrongdoing or
26 negligence by an individual or corporation which has liability
27 insurance, it shall no longer be necessary to name the insured as
28 a defendant unless plaintiff seeks damages beyond the amount of

29 the liability policy. Juries shall be informed of the amount of
30 the insurance coverage so they will know the truth about identity
31 of the real party in interest, and the liability policy still
32 admissible into evidence.

33 **SECTION 5.** This act shall take effect and be in force from
34 and after its passage and shall apply only to causes of action
35 filed on or after the passage of this act.