

SECOND REGULAR SESSION

HOUSE BILL NO. 1235

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOPER (158).

Read 1st time January 4, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4075L.01I

AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to liability for tort claims.

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

Section A. Section 537.610, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.610, to read as follows:

537.610. 1. The commissioner of administration, through the purchasing division, and the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims, made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed two million dollars for all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of Missouri and its political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in such amount and for such purposes provided in any self-insurance plan duly adopted by the governing body of any political subdivision of the state.

2. The liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person

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.

16 in a single accident or occurrence, except for those claims governed by the provisions of the
17 Missouri workers' compensation law, chapter 287, RSMo.

18 3. No award for damages on any claim against a public entity within the scope of
19 sections 537.600 to 537.650, shall include punitive or exemplary damages.

20 4. If the amount awarded to or settled upon multiple claimants exceeds two million
21 dollars, any party may apply to any circuit court to apportion to each claimant his proper share
22 of the total amount limited by subsection 1 of this section. The share apportioned each claimant
23 shall be in the proportion that the ratio of the award or settlement made to him bears to the
24 aggregate awards and settlements for all claims arising out of the accident or occurrence, but the
25 share shall not exceed three hundred thousand dollars.

26 5. **No officer, employee, appointee, board member, or commissioner of a political**
27 **subdivision or any agency of the state shall be individually liable in his or her personal**
28 **capacity for conduct arising out of and performed in connection with his or her official**
29 **duties on behalf of the political subdivision of the state or any agency of the state.**

30 6. The limitation on awards for liability provided for in this section shall be increased
31 or decreased on an annual basis effective January first of each year in accordance with the
32 Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of
33 Economic Analysis of the United States Department of Commerce. The current value of the
34 limitation shall be calculated by the director of the department of insurance, who shall furnish
35 that value to the secretary of state, who shall publish such value in the Missouri Register as soon
36 after each January first as practicable, but it shall otherwise be exempt from the provisions of
37 section 536.021, RSMo.

38 [6.] 7. Any claim filed against any public entity under this section shall be subject to the
39 penalties provided by supreme court rule 55.03.

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