

## HCS HB 121 -- TORT LIABILITY AND IMMUNITY

SPONSOR: Yates (Nance)

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance Policy by a vote of 10 to 1.

This substitute limits the liability for any claim against the state or its public entities and employees involving a motor vehicle operated within the scope of employment or for a claim arising out of any dangerous condition of property the officer or employee allegedly caused. The maximum liability for all claims against entities or employees will be \$2 million; the liability for any one person is limited to \$300,000. The maximum award for any claim brought against an officer or employee of the state arising out of the same accident will be reduced by any amount paid toward the claim by the state, its public entities, any officers or employees, or any person acting on their behalf.

The definition of "public entity" as it relates to the laws regarding sovereign immunity is revised to include not-for-profit organizations providing ambulance services under the authority of a municipality. These organizations will be entitled to sovereign or governmental tort immunity.

FISCAL NOTE: Estimated Income on General Revenue Fund of More than \$100,000 in FY 2008, FY 2009, and FY 2010. Estimated Income on Other State Funds of More than \$100,000 in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill restores common sense to torts and actions for damages. This is a very important issue for public entities and will help them recruit quality personnel without worrying about being sued individually as a result of their employment by the public entity.

Testifying for the bill were Representative Nance; Robert Ostgulen, Meadowbrook Insurance Group; Missouri Insurance Coalition; Missouri Municipal League; Metropolitan Ambulance Services Trust; Missouri Hospital Association; and St. Louis County Municipal League.

OPPOSERS: Those who oppose the bill say that it will expand the issue of sovereign immunity too far and is not fair. If a person is found to be immune, the public entity which employs him or her will be automatically found immune.

Testifying against the bill was Missouri Association of Trial Attorneys.