

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2590
94TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 15, 2008, with recommendation that the Senate Committee Substitute do pass.

5644S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 105.711, 226.095, 537.600, and 537.610, RSMo, and to enact in lieu thereof three new sections relating to civil actions against government entities, agents, officers, and employees.

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

Section A. Sections 105.711, 226.095, 537.600, and 537.610, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 105.711, 537.600, and 537.610, to read as follows:

105.711. 1. There is hereby created a "State Legal Expense Fund" which
2 shall consist of moneys appropriated to the fund by the general assembly and
3 moneys otherwise credited to such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the
5 payment of any claim or any amount required by any final judgment rendered by
6 a court of competent jurisdiction against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section
8 536.050 or 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the
10 state, including, without limitation, elected officials, appointees, members of state
11 boards or commissions, and members of the Missouri national guard upon conduct
12 of such officer or employee arising out of and performed in connection with his or
13 her official duties on behalf of the state, or any agency of the state, provided that
14 moneys in this fund shall not be available for payment of claims made under
15 chapter 287, RSMo. **The term "officer" or "employee" as used in this**
16 **subdivision shall not include any offender in claims in which both the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **claimant and a person against whom claim is made were, at the time of**
18 **the event giving rise to the claim, offenders in the custody of the**
19 **department of corrections, including a work release outside of a**
20 **correctional center;**

21 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse,
22 or other health care provider licensed to practice in Missouri under the provisions
23 of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the
24 state of Missouri or any agency of the state, under formal contract to conduct
25 disability reviews on behalf of the department of elementary and secondary
26 education or provide services to patients or inmates of state correctional facilities
27 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist,
28 dentist, nurse, or other health care provider licensed to practice in Missouri
29 under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who
30 is under formal contract to provide services to patients or inmates at a county jail
31 on a part-time basis;

32 (b) Any physician licensed to practice medicine in Missouri under the
33 provisions of chapter 334, RSMo, and his professional corporation organized
34 pursuant to chapter 356, RSMo, who is employed by or under contract with a city
35 or county health department organized under chapter 192, RSMo, or chapter 205,
36 RSMo, or a city health department operating under a city charter, or a combined
37 city-county health department to provide services to patients for medical care
38 caused by pregnancy, delivery, and child care, if such medical services are
39 provided by the physician pursuant to the contract without compensation or the
40 physician is paid from no other source than a governmental agency except for
41 patient co-payments required by federal or state law or local ordinance;

42 (c) Any physician licensed to practice medicine in Missouri under the
43 provisions of chapter 334, RSMo, who is employed by or under contract with a
44 federally funded community health center organized under Section 315, 329, 330
45 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services
46 to patients for medical care caused by pregnancy, delivery, and child care, if such
47 medical services are provided by the physician pursuant to the contract or
48 employment agreement without compensation or the physician is paid from no
49 other source than a governmental agency or such a federally funded community
50 health center except for patient co-payments required by federal or state law or
51 local ordinance. In the case of any claim or judgment that arises under this
52 paragraph, the aggregate of payments from the state legal expense fund shall be

53 limited to a maximum of one million dollars for all claims arising out of and
54 judgments based upon the same act or acts alleged in a single cause against any
55 such physician, and shall not exceed one million dollars for any one claimant;

56 (d) Any physician licensed pursuant to chapter 334, RSMo, who is
57 affiliated with and receives no compensation from a nonprofit entity qualified as
58 exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
59 Code of 1986, as amended, which offers a free health screening in any setting or
60 any physician, nurse, physician assistant, dental hygienist, dentist, or other
61 health care professional licensed or registered under chapter 330, 331, 332, 334,
62 335, 336, 337, or 338, RSMo, who provides health care services within the scope
63 of his or her license or registration at a city or county health department
64 organized under chapter 192, RSMo, or chapter 205, RSMo, a city health
65 department operating under a city charter, or a combined city-county health
66 department, or a nonprofit community health center qualified as exempt from
67 federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
68 amended, if such services are restricted to primary care and preventive health
69 services, provided that such services shall not include the performance of an
70 abortion, and if such health services are provided by the health care professional
71 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
72 RSMo, without compensation. MO HealthNet or Medicare payments for primary
73 care and preventive health services provided by a health care professional
74 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
75 RSMo, who volunteers at a free health clinic is not compensation for the purpose
76 of this section if the total payment is assigned to the free health clinic. For the
77 purposes of the section, "free health clinic" means a nonprofit community health
78 center qualified as exempt from federal taxation under Section 501 (c)(3) of the
79 Internal Revenue Code of 1987, as amended, that provides primary care and
80 preventive health services to people without health insurance coverage for the
81 services provided without charge. In the case of any claim or judgment that
82 arises under this paragraph, the aggregate of payments from the state legal
83 expense fund shall be limited to a maximum of five hundred thousand dollars, for
84 all claims arising out of and judgments based upon the same act or acts alleged
85 in a single cause and shall not exceed five hundred thousand dollars for any one
86 claimant, and insurance policies purchased pursuant to the provisions of section
87 105.721 shall be limited to five hundred thousand dollars. Liability or
88 malpractice insurance obtained and maintained in force by or on behalf of any

89 health care professional licensed or registered under chapter 330, 331, 332, 334,
90 335, 336, 337, or 338, RSMo, shall not be considered available to pay that portion
91 of a judgment or claim for which the state legal expense fund is liable under this
92 paragraph;

93 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist
94 licensed or registered to practice medicine, nursing, or dentistry or to act as a
95 physician assistant or dental hygienist in Missouri under the provisions of
96 chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides
97 medical, nursing, or dental treatment within the scope of his license or
98 registration to students of a school whether a public, private, or parochial
99 elementary or secondary school, if such physician's treatment is restricted to
100 primary care and preventive health services and if such medical, dental, or
101 nursing services are provided by the physician, dentist, physician assistant,
102 dental hygienist, or nurse without compensation. In the case of any claim or
103 judgment that arises under this paragraph, the aggregate of payments from the
104 state legal expense fund shall be limited to a maximum of five hundred thousand
105 dollars, for all claims arising out of and judgments based upon the same act or
106 acts alleged in a single cause and shall not exceed five hundred thousand dollars
107 for any one claimant, and insurance policies purchased pursuant to the provisions
108 of section 105.721 shall be limited to five hundred thousand dollars; or

109 (f) Any physician licensed under chapter 334, RSMo, or dentist licensed
110 under chapter 332, RSMo, providing medical care without compensation to an
111 individual referred to his or her care by a city or county health department
112 organized under chapter 192 or 205, RSMo, a city health department operating
113 under a city charter, or a combined city-county health department, or nonprofit
114 health center qualified as exempt from federal taxation under Section 501(c)(3)
115 of the Internal Revenue Code of 1986, as amended, or a federally funded
116 community health center organized under Section 315, 329, 330, or 340 of the
117 Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such
118 treatment shall not include the performance of an abortion. In the case of any
119 claim or judgment that arises under this paragraph, the aggregate of payments
120 from the state legal expense fund shall be limited to a maximum of one million
121 dollars for all claims arising out of and judgments based upon the same act or
122 acts alleged in a single cause and shall not exceed one million dollars for any one
123 claimant, and insurance policies purchased under the provisions of section
124 105.721 shall be limited to one million dollars. Liability or malpractice insurance

125 obtained and maintained in force by or on behalf of any physician licensed under
126 chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not
127 be considered available to pay that portion of a judgment or claim for which the
128 state legal expense fund is liable under this paragraph;

129 (4) Staff employed by the juvenile division of any judicial circuit;

130 (5) Any attorney licensed to practice law in the state of Missouri who
131 practices law at or through a nonprofit community social services center qualified
132 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
133 Code of 1986, as amended, or through any agency of any federal, state, or local
134 government, if such legal practice is provided by the attorney without
135 compensation. In the case of any claim or judgment that arises under this
136 subdivision, the aggregate of payments from the state legal expense fund shall be
137 limited to a maximum of five hundred thousand dollars for all claims arising out
138 of and judgments based upon the same act or acts alleged in a single cause and
139 shall not exceed five hundred thousand dollars for any one claimant, and
140 insurance policies purchased pursuant to the provisions of section 105.721 shall
141 be limited to five hundred thousand dollars; or

142 (6) Any social welfare board created under section 205.770, RSMo, and the
143 members and officers thereof upon conduct of such officer or employee while
144 acting in his or her capacity as a board member or officer, and any physician,
145 nurse, physician assistant, dental hygienist, dentist, or other health care
146 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
147 337, or 338, RSMo, who is referred to provide medical care without compensation
148 by the board and who provides health care services within the scope of his or her
149 license or registration as prescribed by the board.

150 3. The department of health and senior services shall promulgate rules
151 regarding contract procedures and the documentation of care provided under
152 paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this
153 section. The limitation on payments from the state legal expense fund or any
154 policy of insurance procured pursuant to the provisions of section 105.721,
155 provided in subsection 7 of this section, shall not apply to any claim or judgment
156 arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
157 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d),
158 (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the
159 state legal expense fund or any policy of insurance procured pursuant to section
160 105.721, to the extent damages are allowed under sections 538.205 to 538.235,

161 RSMo. Liability or malpractice insurance obtained and maintained in force by
162 any health care professional licensed or registered under chapter 330, 331, 332,
163 334, 335, 336, 337, or 338, RSMo, for coverage concerning his or her private
164 practice and assets shall not be considered available under subsection 7 of this
165 section to pay that portion of a judgment or claim for which the state legal
166 expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3)
167 of subsection 2 of this section. However, a health care professional licensed or
168 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may
169 purchase liability or malpractice insurance for coverage of liability claims or
170 judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of
171 subdivision (3) of subsection 2 of this section which exceed the amount of liability
172 coverage provided by the state legal expense fund under those paragraphs. Even
173 if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this
174 section is repealed or modified, the state legal expense fund shall be available for
175 damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of
176 subdivision (3) of subsection 2 of this section is in effect.

177 4. The attorney general shall promulgate rules regarding contract
178 procedures and the documentation of legal practice provided under subdivision
179 (5) of subsection 2 of this section. The limitation on payments from the state
180 legal expense fund or any policy of insurance procured pursuant to section
181 105.721 as provided in subsection 7 of this section shall not apply to any claim
182 or judgment arising under subdivision (5) of subsection 2 of this section. Any
183 claim or judgment arising under subdivision (5) of subsection 2 of this section
184 shall be paid by the state legal expense fund or any policy of insurance procured
185 pursuant to section 105.721 to the extent damages are allowed under sections
186 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained
187 and maintained in force shall not be considered available under subsection 7 of
188 this section to pay that portion of a judgment or claim for which the state legal
189 expense fund is liable under subdivision (5) of subsection 2 of this
190 section. However, an attorney may obtain liability or malpractice insurance for
191 coverage of liability claims or judgments based upon legal practice rendered
192 under subdivision (5) of subsection 2 of this section that exceed the amount of
193 liability coverage provided by the state legal expense fund under subdivision (5)
194 of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this
195 section is repealed or amended, the state legal expense fund shall be available for
196 damages that occur while the pertinent subdivision (5) of subsection 2 of this

197 section is in effect.

198 5. All payments shall be made from the state legal expense fund by the
199 commissioner of administration with the approval of the attorney
200 general. Payment from the state legal expense fund of a claim or final judgment
201 award against a health care professional licensed or registered under chapter 330,
202 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b), (c),
203 (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an
204 attorney in subdivision (5) of subsection 2 of this section, shall only be made for
205 services rendered in accordance with the conditions of such paragraphs. In the
206 case of any claim or judgment against an officer or employee of the state or any
207 agency of the state based upon conduct of such officer or employee arising out of
208 and performed in connection with his or her official duties on behalf of the state
209 or any agency of the state that would give rise to a cause of action under section
210 537.600, RSMo, the state legal expense fund shall be liable[, excluding punitive
211 damages,] **for an amount not to exceed:**

212 (1) [Economic damages to any one claimant] **Two million dollars for**
213 **all claims arising out of a single accident or occurrence; and**

214 (2) [Up to three hundred fifty thousand dollars for noneconomic
215 damages] **Three hundred thousand dollars for any one person in a**
216 **single accident or occurrence.**

217 The state legal expense fund shall be the exclusive remedy and shall preclude any
218 other civil actions or proceedings for money damages arising out of or relating to
219 the same subject matter against the state officer or employee, or the officer's or
220 employee's estate. No officer or employee of the state or any agency of the state
221 shall be individually liable in his or her personal capacity for conduct of such
222 officer or employee arising out of and performed in connection with his or her
223 official duties on behalf of the state or any agency of the state. The provisions of
224 this subsection shall not apply to any defendant who is not an officer or employee
225 of the state or any agency of the state in any proceeding against an officer or
226 employee of the state or any agency of the state. Nothing in this subsection shall
227 limit the rights and remedies otherwise available to a claimant under state law
228 or common law in proceedings where one or more defendants is not an officer or
229 employee of the state or any agency of the state.

230 6. The limitation on awards [for noneconomic damages] provided for in
231 [this] subsection **5 of this section** shall be increased or decreased on an annual
232 basis effective January first of each year in accordance with the Implicit Price

233 Deflator for Personal Consumption Expenditures as published by the Bureau of
234 Economic Analysis of the United States Department of Commerce. The current
235 value of the limitation shall be calculated by the director of the department of
236 insurance, who shall furnish that value to the secretary of state, who shall
237 publish such value in the Missouri Register as soon after each January first as
238 practicable, but it shall otherwise be exempt from the provisions of section
239 536.021, RSMo.

240 7. Except as provided in subsection 3 of this section, in the case of any
241 claim or judgment that arises under sections 537.600 and 537.610, RSMo, against
242 the state of Missouri, or an agency of the state, the aggregate of payments from
243 the state legal expense fund and from any policy of insurance procured pursuant
244 to the provisions of section 105.721 shall not exceed the limits of liability as
245 provided in sections 537.600 to 537.610, RSMo. No payment shall be made from
246 the state legal expense fund or any policy of insurance procured with state funds
247 pursuant to section 105.721 unless and until the benefits provided to pay the
248 claim by any other policy of liability insurance have been exhausted.

249 8. The provisions of section 33.080, RSMo, notwithstanding, any moneys
250 remaining to the credit of the state legal expense fund at the end of an
251 appropriation period shall not be transferred to general revenue.

252 9. Any rule or portion of a rule, as that term is defined in section 536.010,
253 RSMo, that is promulgated under the authority delegated in sections 105.711 to
254 105.726 shall become effective only if it has been promulgated pursuant to the
255 provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to
256 repeal or affect the validity of any rule filed or adopted prior to August 28, 1999,
257 if it fully complied with the provisions of chapter 536, RSMo. This section and
258 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
259 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
260 date, or to disapprove and annul a rule are subsequently held unconstitutional,
261 then the grant of rulemaking authority and any rule proposed or adopted after
262 August 28, 1999, shall be invalid and void.

537.600. 1. Such sovereign or governmental tort immunity as existed at
2 common law in this state prior to September 12, 1977, except to the extent
3 waived, abrogated or modified by statutes in effect prior to that date, shall
4 remain in full force and effect; except that, the immunity of the public entity from
5 liability and suit for compensatory damages for negligent acts or omissions is
6 hereby expressly waived in the following instances:

7 (1) Injuries directly resulting from the negligent acts or omissions by
8 public employees arising out of the operation of motor vehicles or motorized
9 vehicles within the course of their employment;

10 (2) Injuries caused by the condition of a public entity's property if the
11 plaintiff establishes that the property was in dangerous condition at the time of
12 the injury, that the injury directly resulted from the dangerous condition, that the
13 dangerous condition created a reasonably foreseeable risk of harm of the kind of
14 injury which was incurred, and that either a negligent or wrongful act or
15 omission of an employee of the public entity within the course of his employment
16 created the dangerous condition or a public entity had actual or constructive
17 notice of the dangerous condition in sufficient time prior to the injury to have
18 taken measures to protect against the dangerous condition. In any action under
19 this subdivision wherein a plaintiff alleges that he was damaged by the negligent,
20 defective or dangerous design of a highway or road, which was designed and
21 constructed prior to September 12, 1977, the public entity shall be entitled to a
22 defense which shall be a complete bar to recovery whenever the public entity can
23 prove by a preponderance of the evidence that the alleged negligent, defective, or
24 dangerous design reasonably complied with highway and road design standards
25 generally accepted at the time the road or highway was designed and constructed.

26 **2. Except as provided in subsection 5 of section 537.610, the**
27 **express waiver of sovereign immunity in the instances specified in subdivisions**
28 **(1) and (2) of subsection 1 of this section are absolute waivers of sovereign**
29 **immunity in all cases within such situations whether or not the public entity was**
30 **functioning in a governmental or proprietary capacity and whether or not the**
31 **public entity is covered by a liability insurance for tort.**

32 **3. The term "public entity" as used in this section shall include any**
33 **multistate compact agency created by a compact formed between this state and**
34 **any other state which has been approved by the Congress of the United States.**

35 **4. The term "public employees" or "employee of the public entity"**
36 **as used in this section shall not include any offender in claims in which**
37 **both the claimant and a person against whom claim is made were, at**
38 **the time of the event giving rise to the claim, offenders in the custody**
39 **of a municipal jail, county jail, or the department of corrections,**
40 **including a work release outside of a correctional center.**

537.610. 1. The commissioner of administration, through the purchasing
2 division, and the governing body of each political subdivision of this state,

3 notwithstanding any other provision of law, may purchase liability insurance for
4 tort claims, made against the state or the political subdivision, but the maximum
5 amount of such coverage shall not exceed two million dollars for all claims arising
6 out of a single occurrence and shall not exceed three hundred thousand dollars
7 for any one person in a single accident or occurrence, except for those claims
8 governed by the provisions of the Missouri workers' compensation law, chapter
9 287, RSMo, and no amount in excess of the above limits shall be awarded or
10 settled upon. Sovereign immunity for the state of Missouri and its political
11 subdivisions is waived only to the maximum amount of and only for the purposes
12 covered by such policy of insurance purchased pursuant to the provisions of this
13 section and in such amount and for such purposes provided in any self-insurance
14 plan duly adopted by the governing body of any political subdivision of the state.

15 2. The liability of the state and its public entities on claims within the
16 scope of sections 537.600 to 537.650, shall not exceed two million dollars for all
17 claims arising out of a single accident or occurrence and shall not exceed three
18 hundred thousand dollars for any one person in a single accident or occurrence,
19 except for those claims governed by the provisions of the Missouri workers'
20 compensation law, chapter 287, RSMo.

21 3. **The liability of the state or its public entities and any agent,**
22 **officer, or employee of the state or its public entities arising out of the**
23 **operation of a motor vehicle being operated within the course and**
24 **scope of their office, employment, or agency with the state or its public**
25 **entities shall not exceed two million dollars for all claims against all**
26 **such entities or individuals arising out of a single accident or**
27 **occurrence, and shall not exceed three hundred thousand dollars for**
28 **any one person in a single accident or occurrence, except for those**
29 **claims governed by the provisions of the Missouri workers'**
30 **compensation law, chapter 287, RSMo. When a claim against the state**
31 **or one of its public entities arises out of the operation of a motor**
32 **vehicle as described in subdivision (1) of subsection 1 of section**
33 **537.600, and a claim is also brought against an agent, officer, or**
34 **employee of the state or its public entities arising out of the same**
35 **accident or occurrence, the maximum allowable recovery against the**
36 **state, one of its public entities, or any agent, officer, or employee of the**
37 **state or its public entities shall be reduced by any amount paid towards**
38 **the claim by the state, its public entities, agents, officers or employees**

39 of the same, or anyone acting on their behalf.

40 4. The liability of the state or its public entities and any agent,
41 officer, or employee of the state or its political entities arising out of
42 any dangerous condition of property which the agent, officer, or
43 employee allegedly caused or contributed to cause shall not exceed two
44 million dollars for all claims against all such entities or individuals
45 arising out of the single accident or occurrence, and shall not exceed
46 three hundred thousand dollars for any one person in a single accident
47 or occurrence, except for those claims governed by the provisions of
48 the Missouri workers' compensation law, chapter 287, RSMo. When a
49 claim against the state or its public entities arises out of a dangerous
50 condition of property as described in subdivision (2) of subsection 1 of
51 section 537.600, and the claim is also brought against an agent, officer
52 or employee of the state or its public entities for causing or
53 contributing to cause the dangerous condition, then the maximum
54 allowable recovery against the state or its public entities or any agent,
55 officer, or employee who allegedly caused or contributed to cause the
56 dangerous condition shall be reduced by any amount paid toward the
57 claim made by the state, its public entities, any agent, officer, or
58 employee of the state or its public entities, or anyone acting on their
59 behalf.

60 5. The liability of the state or its public entities for operation of
61 a motor vehicle is vicarious to the liability of the operator of a motor
62 vehicle that is operated as described by subsection 3 of this
63 section. Notwithstanding the provisions of section 537.600, should the
64 operator of the motor vehicle owned or operated on behalf of the state
65 or its public entities be found to be immune from liability for operation
66 of a motor vehicle because of official immunity or otherwise, the state
67 or its public entities shall also have no liability arising from the
68 operation of the motor vehicle.

69 6. No award for damages on any claim against a public entity within the
70 scope of sections 537.600 to 537.650, shall include punitive or exemplary
71 damages.

72 [4.] 7. If the amount awarded to or settled upon multiple claimants
73 exceeds two million dollars, any party may apply to any circuit court to apportion
74 to each claimant his proper share of the total amount limited by subsection 1 of
75 this section. The share apportioned each claimant shall be in the proportion that

76 the ratio of the award or settlement made to him bears to the aggregate awards
77 and settlements for all claims arising out of the accident or occurrence, but the
78 share shall not exceed three hundred thousand dollars.

79 [5.] 8. The limitation on awards for liability provided for in this section
80 shall be increased or decreased on an annual basis effective January first of each
81 year in accordance with the Implicit Price Deflator for Personal Consumption
82 Expenditures as published by the Bureau of Economic Analysis of the United
83 States Department of Commerce. The current value of the limitation shall be
84 calculated by the director of the department of insurance, who shall furnish that
85 value to the secretary of state, who shall publish such value in the Missouri
86 Register as soon after each January first as practicable, but it shall otherwise be
87 exempt from the provisions of section 536.021, RSMo.

88 [6.] 9. Any claim filed against any public entity under this section shall
89 be subject to the penalties provided by supreme court rule 55.03.

[226.095. Upon request of the plaintiff in a negligence
2 action against the department of transportation as defendant, the
3 case shall be arbitrated by a panel of three arbiters pursuant to the
4 provisions of chapter 435, RSMo.]

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