

HB 1006 -- LIABILITY OF EMPLOYERS

SPONSOR: Burton

The bill provides that where an injury or death of an employee is caused by the failure of the employer to comply with any safety standard issued by the employer or the Occupational Safety and Health Administration (OSHA), regulation, or statute in this state or any lawful order of the Division of Workers' Compensation within the Department of Labor and Industrial Relations or the Labor and Industrial Relations Commission (LIRC), the compensation and death benefit provided to such employee shall be increased at least 25% but not more than 50%.

This bill further provides that the exclusive remedy provision of the Workers' Compensation law shall not apply to any cause of action that may be brought on behalf of an unborn child or their representative in the case of an injury or death which caused the death of an unborn child.

The bill includes a definition for a "family member" who may bring a claim on behalf of the injured employee for any accrued and unpaid compensation that was due to the employee upon death, where there are no dependents.

The bill increases from \$5,000 to \$15,000 the maximum compensation owed to persons furnishing burial expenses for deceased employees under Workers' Compensation laws (Sections 287.120, 287.230 and 287.240, RSMo).

This bill increases the amount of liability insurance for tort claims that may be purchased by the Commissioner of the Office of Administration or the governing body of any political subdivision as follows:

(1) From \$2 million to \$4 million arising out of a single occurrence; and

(2) From \$300,000 to \$500,000 for any one person in a single accident or occurrence.

The bill increases the liability of all public entities on claims that fall under the sovereign immunity exceptions as follows:

(1) From \$2 million to \$4 million arising out of a single occurrence; and

(2) From \$300,000 to \$500,000 for any one person in a single accident or occurrence.

Current law prohibits punitive damages against a public entity. This bill allows punitive damages to be awarded if a plaintiff shows by clear and convincing evidence that the public entity violated a safety standard issued by the employer or the Occupational Safety and Health Administration (OSHA), regulation, or statute in this state, or any lawful order of a court or other judicial body (Section 537.610).

This bill is similar to SB 292 (2023), SB 1188 (2022) and HB 2831 (2022).