

HB 2483 -- LIABILITY OF EMPLOYERS

SPONSOR: Burton

Current law covers employer liability for injury upon failure of the employer to comply with any State law. This bill expands the coverage to include death as well as injury and specifies failure of the employer to follow its own safety standards or Federal Occupational Safety and Health Administration (OSHA) safety standards and regulations as well. Compensation and death benefits are increased from 15% to at least 25% but not more than 50%.

The exclusive remedy provision of the Workers' Compensation law will not apply to a cause of action brought on behalf of an unborn child or the child's representative if the injury or death caused the death of the unborn child (Section 287.120, RSMo.).

The bill includes a definition for a "family member" who may bring a claim on behalf of an injured employee for accrued and unpaid compensation that was due to the employee upon death when there are no dependents (Section 287.230).

The liability of the state and its public entities on tort claims is increased from \$2 million to \$4 million for all claims from a single occurrence and from \$300,000 to \$500,000 for any one person.

The bill adds a provision to the exclusion of punitive or exemplary damage awards against a public entity by stating such damages may be awarded when the plaintiff shows the public entity violated a safety standard issued by the employer or OSHA, a regulation or state law, or a lawful order of a court or other judicial body. If an award to multiple claimants exceeds \$4 million, rather than the current limit of \$2 million, a party may apply to the circuit court to apportion the claim. No individual claimant's share can exceed \$500,000 rather than the current \$300,000 (537.610, RSMo.).

This bill is similar to HB 1006 and SB 292 (2023).