

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6119H.02C
 Bill No.: HCS for HB 2714
 Subject: Civil Procedure; Liability
 Type: Original
 Date: March 11, 2026

Bill Summary: This proposal establishes provisions relating to comparative negligence or fault in certain actions for damages.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

*Unknown saving resulting from fewer payouts for negligence assumed to potentially exceed \$250,000 annually. OSCA's potential increase in costs assumed to be less than \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Other State**	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Legal Expense*	\$0	\$0	\$0
Colleges and Universities**	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

*Unknown savings and losses net to \$0.

** Unknown saving resulting from fewer payouts for negligence assumed to potentially exceed \$250,000 annually.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Federal	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

* Unknown saving resulting from fewer payouts for negligence assumed to potentially exceed \$250,000 annually.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government*	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

* Unknown saving resulting from fewer payouts for negligence.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

§537.769 – Comparative Negligence or Fault

Officials from the **Office of Administration (OA)** state §537.769 could be a potential cost saving to the state Legal Expense Fund by reducing recovery by plaintiff's percentage of fault and by barring any recovery if plaintiff is found 51% or more at fault for personal injury, property damage, or wrongful death based on negligence or unreasonably unsafe or dangerous condition. This change will be subject to judicial construction; therefore, the cost impact to the state is unknown.

Oversight notes because this bill could result in a potential savings to the State, Oversight will show a net \$0 direct fiscal impact for the LEF and a possible \$0 or Unknown fiscal impact to General Revenue and other state funds. Oversight notes the potential savings described by OA could also apply to colleges and universities, federal funds, as well as local political subdivisions as the LEF does not cover costs for local political subdivisions or colleges and universities in most cases. For fiscal note purposes only, Oversight will range savings from \$0 or Unknown for all funds.

Oversight does not have any information to suggest the potential cost saving resulting from this proposal. Therefore, for fiscal note purposes, Oversight assumes the unknown impact could reach the \$250,000 threshold.

Officials from the **Office of the State Courts Administrator (OSCA)** state this proposal may have some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

In response to the previous version, HB 2714 (2026), officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Labor and Industrial Relations** and **Office of the State Public Defender** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Savings – Various State Agencies</u> (§537.769) Reduction in contributions to the Legal Expense Fund p.3	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost – OSCA (§537.769) – Potential increase in court costs p.3</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or Unknown to <u>(Unknown)</u>	\$0 or Unknown to <u>(Unknown)</u>	\$0 or Unknown to <u>(Unknown)</u>
OTHER STATE FUNDS			
<u>Savings – Various State Agencies</u> (§537.769) Reduction in transfers to the Legal Expense Fund p.3	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT ON OTHER STATE FUNDS	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LEGAL EXPENSE FUND			
<u>Savings</u> – All State Agencies (§537.769) Potential reduction in payouts p.3	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
<u>Loss</u> – (§537.769) Potential reduction in transfers-in from other funds to cover payouts p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
COLLEGES AND UNIVERSITIES			
<u>Savings</u> - (§537.769) Potential reduction in payouts p.3	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
FEDERAL FUNDS			
<u>Savings</u> - (§537.769) Potential reduction in transfers to the Legal Expense Fund to cover payouts p.3	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings – (\$537.769) Potential reduction in payouts p.3</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill specifies that a plaintiff in an action for damages for personal injury, property damage, or wrongful death based on negligence or an unreasonably unsafe or dangerous condition will not be barred from recovering even if he or she may have been contributorily negligent or assumed a risk unless the plaintiff's negligence or fault is determined to be at least 51%. The bill specifies what the trier of fact must consider when determining fault and what the court must evaluate if multiple defendants are found liable. The provisions of this bill apply to any cause of action accruing on or after August 28, 2026.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
 Department of Labor and Industrial Relations
 Office of Administration
 Office of the State Courts Administrator
 Office of the State Public Defender



Julie Morff
 Director
 March 11, 2026



Jessica Harris
 Assistant Director
 March 11, 2026