

SECOND REGULAR SESSION

HOUSE BILL NO. 1718

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINMAN.

5078H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to limitations on awards for certain liability claims.

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

Section A. Section 537.610, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.610, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 3. No award for damages on any claim against a public entity within the scope of
19 sections 537.600 to 537.650, shall include punitive or exemplary damages.

20 4. If the amount awarded to or settled upon multiple claimants exceeds two million
21 dollars, any party may apply to any circuit court to apportion to each claimant his proper
22 share of the total amount limited by subsection 1 of this section. The share apportioned each
23 claimant shall be in the proportion that the ratio of the award or settlement made to him bears
24 to the aggregate awards and settlements for all claims arising out of the accident or
25 occurrence, but the share shall not exceed three hundred thousand dollars.

26 5. The limitation on awards for liability provided for in this section shall be increased
27 or decreased on an annual basis effective January first of each year in accordance with the
28 Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of
29 Economic Analysis of the United States Department of Commerce. The current value of the
30 limitation shall be calculated by the director of the department of commerce and insurance,
31 who shall furnish that value to the secretary of state, who shall publish such value in the
32 Missouri Register as soon after each January first as practicable, but it shall otherwise be
33 exempt from the provisions of section 536.021. **The applicable limitation on awards for**
34 **liability provided for under this section as to a given claim shall be the limitation then in**
35 **effect on the date of the accident or occurrence giving rise to the claim.**

36 6. Any claim filed against any public entity under this section shall be subject to the
37 penalties provided by supreme court rule 55.03, or any successor rule.

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