

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2714**  
**103RD GENERAL ASSEMBLY**

6119H.02C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To amend chapter 537, RSMo, by adding thereto one new section relating to comparative negligence or fault.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be  
2 known as section 537.769, to read as follows:

**537.769. 1. In any action for damages for personal injury, property damage, or  
2 wrongful death based on negligence or an unreasonably unsafe or dangerous condition:**

3 **(1) The fact that the plaintiff may have been contributorily negligent or assumed  
4 a risk shall not bar recovery by the plaintiff except as provided in subsection 2 of this  
5 section; and**

6 **(2) The total damages that the plaintiff would otherwise be entitled to recover  
7 shall be diminished in proportion to the amount of negligence or fault attributable to the  
8 plaintiff.**

9 **2. (1) If the plaintiff's negligence or fault is determined to be fifty-one percent or  
10 more, the plaintiff shall be barred from any recovery of damages.**

11 **(2) The trier of fact shall determine:**

12 **(a) The total amount of damages the plaintiff would have been entitled to  
13 recover absent any contributory fault;**

14 **(b) The percentage of fault attributable to each party, including any third party  
15 who may be at fault; and**

16 **(c) Any reduction of the plaintiff's damages in proportion to the fault allocated  
17 to the plaintiff.**

18 **3. If multiple defendants are found liable, the court shall:**

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.

19           **(1) Determine each defendant's share of fault as a percentage of the total fault of**  
20 **all parties, including the plaintiff;**

21           **(2) Enter judgment against each defendant in an amount proportional to that**  
22 **defendant's share of the total damages, subject to the bar under subsection 2 of this**  
23 **section.**

24           **4. If it is determined that the plaintiff's percentage of fault meets or exceeds the**  
25 **threshold stated under subsection 2 of this section, the plaintiff shall recover no**  
26 **damages. The concept of joint and several liability shall not be applied in favor of a**  
27 **plaintiff whose recovery is barred under subsection 2 of this section.**

28           **5. The court shall instruct the jury on the application of comparative fault**  
29 **consistent with the provisions of this section, including the determination of the**  
30 **plaintiff's percentage of fault, the defendant's percentage of fault, and the bar to**  
31 **recovery if the plaintiff's fault meets or exceeds fifty-one percent.**

32           **6. The provisions of this section shall apply to any cause of action accruing on or**  
33 **after August 28, 2026.**

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