

SECOND REGULAR SESSION

# HOUSE BILL NO. 3432

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BURTON.

7322H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to liability insurance and limits for certain tort claims.

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*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Section A. Section 537.610, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.610, to read as follows: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~~ **five** million dollars for all claims arising out of a single occurrence and shall not exceed ~~three hundred thousand~~ **two million** 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~~ **five** million dollars for all claims arising out of a single accident or occurrence and shall not exceed ~~three hundred thousand~~ **two**

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.

17 **million** dollars for any one person in a single accident or occurrence, except for those claims  
18 governed by the provisions of the Missouri workers' compensation law, chapter 287.

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

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

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

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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