

HCS HB 2714 -- COMPARATIVE NEGLIGENCE OR FAULT

SPONSOR: Diehl

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Commerce by a vote of 5 to 2. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 8 to 2.

The following is a summary of the House Committee Substitute for HB 2714.

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 bill is similar to HB 1540 (2025).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROponents: Supporters say that this bill protects businesses, doctors, contractors, and other service related professions from frivolous lawsuits. The bill may allow for these professions to acquire cheaper insurance policies.

Testifying in person for the bill were Representative Diehl; Missouri Bankers Association; Healthcare Services Group; Missouri State Medical Association; Missouri Association of Osteopathic Physicians and Surgeons; NFIB; Associated Industries of Missouri; Mo Chamber of Commerce & Industry; Mo Insurance Coalition; and Dale Williams, Missouri Asphalt Pavement Association.

OPponents: Those who oppose the bill say that the current pure comparative fault system that Missouri is operating is fair and honest. The current system holds all parties accountable and responsible for any action, regardless of how much they contributed to an accident. This bill will benefit trial lawyers because all a lawyer will need to do is prove their client is 50%

at fault because under this bill if their client is determined by a jury to be less than 51% at fault, then their client can recover and also pays no compensation.

Testifying in person against the bill were Matt Clement; Wes Shumate, Mata; and Lisa Pannett, Amorvine.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.