



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 2714</b>		DATE: <b>2/16/2026</b>	
COMMITTEE: <b>Commerce</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>BRAD JONES</b>		PHONE NUMBER:	
REPRESENTING: <b>NFIB</b>		TITLE:	
ADDRESS: <b>308 E HIGH ST</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>	
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<b>WITNESS NAME</b>		
<b>BUSINESS/ORGANIZATION:</b>		
WITNESS NAME: <b>DALE WILLIAMS</b>		PHONE NUMBER: <b>573-635-6071</b>
BUSINESS/ORGANIZATION NAME: <b>MISSOURI ASPHALT PAVEMENT ASSOCIATION</b>		TITLE:
ADDRESS: <b>1221 JEFFERSON ST.</b>		
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>
		ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>DANA FRESE</b>		PHONE NUMBER: <b>573-659-5734</b>	
BUSINESS/ORGANIZATION NAME: <b>HEALTHCARE SERVICES GROUP</b>		TITLE: <b>PRESIDENT &amp; CEO</b>	
ADDRESS: <b>4700 COUNTRY CLUB DRIVE</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL: <b>d.frese@hsg-group.com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/16/2026 3:12 PM</b>	
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<b>I will testify on behalf of the Missouri Organization of Defense Lawyers.</b>			



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>DAVID KENT</b>		PHONE NUMBER:	
REPRESENTING: <b>MISSOURI BANKERS ASSOCIATION</b>		TITLE: <b>SVP, CHIEF LOBBYIST</b>	
ADDRESS: <b>207 E CAPITOL AVE</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>dkent@mobankers.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/16/2026 12:40 PM</b>	

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**The Missouri Bankers Association supports HB 2714. Rural Missouri depends on small businesses and community banks working together. A fair and predictable fault allocation system helps keep insurance affordable, credit accessible, and local economies strong.**



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>HAMPTON WILLIAMS</b>		PHONE NUMBER: <b>573-893-4241</b>	
REPRESENTING: <b>MO INSURANCE COALITION</b>		TITLE:	
ADDRESS: <b>220 EAST HIGH STREET, SUITE B</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65616</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>JACOB SCOTT</b>		PHONE NUMBER:	
REPRESENTING: <b>MISSOURI STATE MEDICAL ASSOCIATION; MISSOURI ASSOCIATION OF OSTEOPATHIC PHYSICIANS AND SURGEONS</b>		TITLE: <b>DIRECTOR OF LEGISLATIVE AFFAIRS</b>	
ADDRESS: <b>113 MADISON ST., 65102</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL: <b>jscott@msma.org</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/16/2026 3:34 PM</b>	
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In support



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>JARED HANKINSON</b>		PHONE NUMBER: <b>573-634-3511</b>	
REPRESENTING: <b>MO CHAMBER OF COMMERCE &amp; INDUSTRY</b>		TITLE:	
ADDRESS: <b>PO BOX 149</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65102</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>MATTHEW SMITH</b>		PHONE NUMBER: <b>573-634-2246</b>	
REPRESENTING: <b>ASSOCIATED INDUSTRIES OF MISSOURI</b>		TITLE:	
ADDRESS: <b>3234 W. TRUMAN BLVD.</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65109</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>PATRICK TINSLEY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/16/2026 7:52 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/16/2026 11:50 PM</b>	
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**I am totally against this Bill. This Bill smells and is clearly written by the Insurance Industry and presented by their Six (6)-Figure Paid Lobbyists. This Bill is against Protecting Missourians when injured and incurring Bills from Damages. Do not reduce any Limits and time for Missourians to Fill Circuit Court Action. This Bill is very Bad-Policy for Missouri.**



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<b>WITNESS NAME</b>		
<b>BUSINESS/ORGANIZATION:</b>		
WITNESS NAME: <b>BYRON KEELIN</b>		PHONE NUMBER: <b>314-402-0655</b>
BUSINESS/ORGANIZATION NAME: <b>FREEDOM PRINCIPLE</b>		TITLE: <b>PRESIDENT</b>
ADDRESS: <b>PO BOX 2</b>		
CITY: <b>BALLWIN</b>		STATE: <b>MO</b>
		ZIP: <b>63011</b>
EMAIL: <b>freedomprinciplemo@protonmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/16/2026 10:44 AM</b>

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We strongly oppose HB 2714 because it represents a major and troubling departure from the way Missouri's civil justice system has long operated, including in products liability cases. Under current law, if an injured person is found to be partially at fault for their own injuries, that percentage is simply deducted from their award. This approach is fundamentally fair, ensuring that everyone—both plaintiffs and defendants—is held accountable for their respective roles. By contrast, HB 2714 creates a harsh scenario in which an injured person who is deemed to be just 50% at fault—or even a fraction over—is barred from recovering any compensation, no matter how severe their injury or blatant the defendant's misconduct may have been. This effectively lets wrongdoers, including those responsible for dangerous or defective products, escape liability entirely while the injured party bears the overwhelming cost.



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>LISA PANNETT</b>		PHONE NUMBER: <b>573-280-1585</b>	
REPRESENTING: <b>AMORVINE</b>		TITLE:	
ADDRESS: <b>226 KADIE CT</b>			
CITY: <b>LINN CREEK</b>		STATE: <b>MO</b>	ZIP: <b>65052</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>MATT CLEMENT</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/16/2026 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/12/2026 2:55 PM</b>	
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Chair and Members of the Committee:

If this were Shark Tank, this pitch would sound like:

“We’re making liability more predictable by barring recovery for plaintiffs who are 50% or more at fault and eliminating joint-and-several liability.”

On paper, that sounds efficient.

But when you run the numbers — the risk shifts entirely to the injured party.

And for that reason, I’m out.

**I. The 50% Bar — The Cliff Effect**

Under HB 2714:

A plaintiff who is 49% at fault recovers 51% of damages.

A plaintiff who is 50% at fault recovers nothing.

That is not proportional justice.

That is a liability cliff.

The arbitrary threshold invites inconsistent jury outcomes and incentivizes strategic fault inflation by defendants. This does not reduce litigation — it intensifies fault contests.

From a constitutional standpoint, plaintiffs will argue that this creates an irrational line-drawing problem under Missouri’s open courts provision (Mo. Const. art. I, § 14).

While rational basis review is deferential, courts examine whether a statute operates arbitrarily in application. A single percentage point separating full recovery from total forfeiture invites challenge.

**II. Elimination of Joint and Several Liability — Insolvency Transfer**

Section 3 eliminates joint and several liability entirely.

**That means:**

**If Defendant A is 10% at fault but solvent, and Defendant B is 90% at fault but bankrupt, the plaintiff recovers only 10%.**

**The shortfall disappears.**

**The bill transfers insolvency risk from negligent actors to injured victims.**

**This is not merely allocation reform — it is a structural rebalancing of financial burden away from tortfeasors and onto plaintiffs.**

**Missouri courts have historically recognized joint and several liability as a mechanism to ensure injured parties are made whole when multiple tortfeasors are involved.**

**Removing that protection is a policy choice — but it is one that may face constitutional scrutiny under open courts and right-to-remedy principles if it results in systemic denial of practical recovery.**

### **III. Third-Party Fault Allocation — Procedural Fairness Concerns**

**The bill requires allocation of fault to “any third party who may be at fault.”**

**This creates two foreseeable issues:**

**Nonparty fault designation without full adversarial process.**

**Strategic designation of absent or judgment-proof entities to dilute recoverable shares.**

**If juries allocate fault to entities not before the court, plaintiffs may be left chasing parties who cannot be served, cannot pay, or cannot be located.**

**The constitutional concern is procedural fairness — especially if fault is assigned to entities beyond the court’s jurisdiction.**

### **IV. Economic and Litigation Consequences**

**The likely results:**

**Increased complexity in jury instructions.**

**Expanded discovery on third-party fault.**

**More comparative fault disputes.**

**More appeals on allocation errors.**

**More inconsistent verdicts near the 50% threshold.**

**This bill does not simplify negligence law.**

**It makes it more adversarial.**

### **V. Prospective Application — Necessary but Not Sufficient**

**The bill applies to causes of action accruing after August 28, 2026.**

**That protects against retroactivity challenges.**

**But constitutional vulnerability does not arise only from retroactivity.**

**It arises when a statute materially undermines the ability of injured persons to obtain meaningful recovery in multiparty negligence actions.**

### **Legislative Notice**

**The General Assembly is placed on notice that HB 2714’s 50% recovery bar and elimination of joint-and-several liability significantly alter Missouri’s tort framework and may give rise to open courts challenges under Article I, Section 14 of the Missouri Constitution. The threshold bar and insolvency-**

**risk transfer mechanisms are the most likely focal points of constitutional litigation.**

**This bill doesn't just change percentages — it shifts financial risk from negligent defendants to injured plaintiffs. A one-percent fault difference shouldn't mean the difference between recovery and nothing.**



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<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>WES SHUMATE</b>		PHONE NUMBER: <b>816-421-1600</b>	
BUSINESS/ORGANIZATION NAME: <b>MATA</b>		TITLE:	
ADDRESS: <b>1100 MAIN ST</b>			
CITY: <b>KANSAS CITY</b>		STATE: <b>MO</b>	ZIP: <b>64105</b>
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