

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 22, Section 537.035, Page 189 by inserting after all of said section the following:

3
4 "537.610. 1. The commissioner of administration, through the purchasing division, and
5 the governing body of each political subdivision of this state, notwithstanding any other provision
6 of law, may purchase liability insurance for tort claims, made against the state or the political
7 subdivision, but the maximum amount of such coverage shall not exceed two million dollars for
8 all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars
9 for any one person in a single accident or occurrence, except for those claims governed by the
10 provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in
11 excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of
12 Missouri and its political subdivisions is waived only to the maximum amount of and only for the
13 purposes covered by such policy of insurance purchased pursuant to the provisions of this section
14 and in such amount and for such purposes provided in any self-insurance plan duly adopted by the
15 governing body of any political subdivision of the state.

16 2. The liability of the state and its public entities on claims within the scope of sections

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1 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single
2 accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a
3 single accident or occurrence, except for those claims governed by the provisions of the Missouri
4 workers' compensation law, chapter 287, RSMo.

5 3. The liability of the state or any public entities created pursuant to sections 99.010 to
6 99.230, RSMo, and any officer or employee of such public entities arising out of the operation of
7 a motor vehicle being operated within the course and scope of their office or employment with
8 such public entities, shall not exceed two million dollars for all claims against all such public
9 entities or individuals arising out of a single accident or occurrence. When a claim against the
10 state or one of its public entities created pursuant to sections 99.010 to 99.230, RSMo, arises out
11 of the operation of a motor vehicle as described in subdivision (1) of subsection 1 of section
12 537.600 and a claim is also brought against an officer or employee of such public entities arising
13 out of the same accident or occurrence, the maximum allowable recovery against the state, such
14 public entities, or any officer or employee of such public entities shall be reduced by any amount
15 paid towards the claim by the state, such public entities or officers or employees of the same.

16 4. The liability of the state or public entities created pursuant to sections 99.010 to 99.230,
17 RSMo, and officer or employee of such public entities arising out of any dangerous condition of
18 property which the officer or employee allegedly caused or contributed to cause, shall not exceed
19 two million dollars for all claims against all such public entities or individuals arising out of the
20 single accident or occurrence, and shall not exceed three hundred thousand dollars for any one
21 person in a single accident or occurrence. When a claim against the state or such public entities
22 arises out of a dangerous condition of property as described in subdivision (2) of subsection 1 of
23 section 537.600, and the claim is also brought against an officer or employee of such public
24 entities for causing or contributing to cause the dangerous condition, then the maximum allowable

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1 recovery against the state or such public entities or any officer or employee of such public entities
2 who allegedly caused or contributed to cause the dangerous condition shall be reduced by the
3 amount paid toward the claim made by the state, such public entities, or any officer or employee
4 of the same.

5 5. The liability of the state or any public entities created pursuant to sections 99.010 to
6 99.230, RSMo, for operation of a motor vehicle is vicarious to the liability of the operator of the
7 motor vehicle. Should the operator of the motor vehicle owned or operated on behalf of the state
8 or such public entities be found to be immune from liability for operation of a motor vehicle
9 because of official immunity or otherwise, the state or its public entities shall also have no
10 liability arising from the operation of the motor vehicle.

11 [3.] 6. No award for damages on any claim against a public entity within the scope of
12 sections 537.600 to 537.650, shall include punitive or exemplary damages.

13 [4.] 7. If the amount awarded to or settled upon multiple claimants exceeds two million
14 dollars, any party may apply to any circuit court to apportion to each claimant his proper share of
15 the total amount limited by subsection 1 of this section. The share apportioned each claimant
16 shall be in the proportion that the ratio of the award or settlement made to him bears to the
17 aggregate awards and settlements for all claims arising out of the accident or occurrence, but the
18 share shall not exceed three hundred thousand dollars.

19 [5.] 8. The limitation on awards for liability provided for in this section shall be increased
20 or decreased on an annual basis effective January first of each year in accordance with the Implicit
21 Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic
22 Analysis of the United States Department of Commerce. The current value of the limitation shall
23 be calculated by the director of the department of insurance, who shall furnish that value to the
24 secretary of state, who shall publish such value in the Missouri Register as soon after each January

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1 first as practicable, but it shall otherwise be exempt from the provisions of section 536.021,
2 RSMo. [6.] 9. Any claim filed against any
3 public entity under this section shall be subject to the penalties provided by supreme court rule
4 55.03."; and
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6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.

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