

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 481

95TH GENERAL ASSEMBLY

0946L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to the exclusion of punitive and exemplary damages in certain claims against public entities or their officers or employees in certain circumstances.

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Section A. Section 537.610, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.610, to read as follows: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

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.

16 in a single accident or occurrence, except for those claims governed by the provisions of the
17 Missouri workers' compensation law, chapter 287, RSMo.

18 3. No award for damages on any claim against a public entity within the scope of
19 sections 537.600 to 537.650 **or section 213.055 or 213.070 to the extent that the alleged**
20 **violation of section 213.070 relates to or involves a violation of section 213.055, or section**
21 **213.070 as it relates to employment**, shall include punitive or exemplary damages. **Neither**
22 **shall such punitive or exemplary damages be awarded against any officer or employee of**
23 **a public entity for conduct of such officer or employee arising out of and performed in**
24 **connection with his or her official duties on behalf of the public entity.**

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

31 5. The limitation on awards for liability provided for in this section shall be increased
32 or decreased on an annual basis effective January first of each year in accordance with the
33 Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of
34 Economic Analysis of the United States Department of Commerce. The current value of the
35 limitation shall be calculated by the director of the department of insurance, financial institutions
36 and professional registration, who shall furnish that value to the secretary of state, who shall
37 publish such value in the Missouri Register as soon after each January first as practicable, but
38 it shall otherwise be exempt from the provisions of section 536.021, RSMo. **The limitation to**
39 **be applied on a particular claim shall be the limitation in force at the time of the original**
40 **occurrence giving rise to the claim.**

41 6. Any claim filed against any public entity under this section shall be subject to the
42 penalties provided by supreme court rule 55.03.

✓