

HB 1540 -- WORKERS' COMPENSATION

SPONSOR: Jones (89)

COMMITTEE ACTION: Voted "do pass" by the Committee on Workforce Development and Workplace Safety by a vote of 7 to 3.

This bill specifies that every employee subject to the provisions of Chapter 287, RSMo, regarding workers' compensation must be released from all liability for any personal injury or death caused to a co-employee due to an accident or occupational disease arising out of and in the course of the employees' employment.

FISCAL NOTE: Estimated Net Income on General Revenue Fund of Unknown in FY 2013, FY 2014, and FY 2015. Estimated Net Income on Other State Funds of Unknown in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill fixes the "carve out" that occurred after the Missouri Supreme Court's decision on the 2005 legislation. Employees are being sued and have no financial means to pay the cost of litigation and a possible judgment.

Testifying for the bill were Representative Jones (89); Missouri Chamber of Commerce and Industry; National Federation of Independent Business; St. Louis Regional Chamber and Growth Association; Missouri Retailers Association; Missouri Grocers' Association; Greater Kansas City Chamber of Commerce; Missouri Insurance Coalition; Missouri Propane Gas Association; Farmers Group, Incorporated; Missouri Self Insurers Association; Associated General Contractors of Missouri, Incorporated; and Associated Industries of Missouri.

OPPOSERS: Those who oppose the bill say that, as written, the bill exempts any kind of behavior, including intentional harm. If the purpose of the bill is to return to the workers' compensation laws on this issue prior to the 2005 Missouri Supreme Court case, it needs to include the "something more" test.

Testifying against the bill were Missouri AFL-CIO; Missouri Association of Trial Attorneys; and United Steelworkers District 11.