

SECOND REGULAR SESSION

SENATE BILL NO. 903

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 19, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4485S.011

AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to liability for tort claims.

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Section A. Section 537.610, RSMo, is repealed and one new section
2 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
2 division, and the governing body of each political subdivision of this state,
3 notwithstanding any other provision of law, may purchase liability insurance for
4 tort claims, made against the state or the political subdivision, but the maximum
5 amount of such coverage shall not exceed two million dollars for all claims arising
6 out of a single occurrence and shall not exceed three hundred thousand dollars
7 for any one person in a single accident or occurrence, except for those claims
8 governed by the provisions of the Missouri workers' compensation law, chapter
9 287, RSMo, and no amount in excess of the above limits shall be awarded or
10 settled upon. Sovereign immunity for the state of Missouri and its political
11 subdivisions is waived only to the maximum amount of and only for the purposes
12 covered by such policy of insurance purchased pursuant to the provisions of this
13 section and in such amount and for such purposes provided in any self-insurance
14 plan duly adopted by the governing body of any political subdivision of the state.

15 2. The liability of the state and its public entities on claims within the
16 scope of sections 537.600 to 537.650, shall not exceed two million dollars for all
17 claims arising out of a single accident or occurrence and shall not exceed three
18 hundred thousand dollars for any one person in a single accident or occurrence,
19 except for those claims governed by the provisions of the Missouri workers'

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 compensation law, chapter 287, RSMo.

21 3. No award for damages on any claim against a public entity within the
22 scope of sections 537.600 to 537.650, shall include punitive or exemplary
23 damages.

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

31 **5. No officer, employee, appointee, board member, or**
32 **commissioner of a political subdivision or any agency of the state shall**
33 **be individually liable in his or her personal capacity for conduct**
34 **arising out of and performed in connection with his or her official**
35 **duties on behalf of the political subdivision of the state or any agency**
36 **of the state, unless the cause of action arises from conduct that is**
37 **grossly negligent, willful, wanton, or malicious, and except as otherwise**
38 **provided in section 537.600.**

39 6. The limitation on awards for liability provided for in this section shall
40 be increased or decreased on an annual basis effective January first of each year
41 in accordance with the Implicit Price Deflator for Personal Consumption
42 Expenditures as published by the Bureau of Economic Analysis of the United
43 States Department of Commerce. The current value of the limitation shall be
44 calculated by the director of the department of insurance, who shall furnish that
45 value to the secretary of state, who shall publish such value in the Missouri
46 Register as soon after each January first as practicable, but it shall otherwise be
47 exempt from the provisions of section 536.021, RSMo.

48 [6.] 7. Any claim filed against any public entity under this section shall
49 be subject to the penalties provided by supreme court rule 55.03.

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