

FIRST REGULAR SESSION

SENATE BILL NO. 574

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

2100S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 162.013 and 537.600, RSMo, and to enact in lieu thereof two new sections relating to civil immunity of school boards.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 162.013 and 537.600, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.013 and 537.600, to read as follows:

162.013. 1. **Every member of a school board of this state shall enjoy official immunity as provided under common law for discretionary actions or omissions occurring within the scope of his or her authority. The term "discretionary actions or omission" as used in this subsection shall include the casting of votes and abstentions from voting at meetings of the school board.**

2. Notwithstanding other sections of the school laws which provide that members of school boards shall serve without compensation, the school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may expend school district funds to purchase insurance to indemnify the members of the school board, individually, against loss for damages for personal or bodily injury to a person, or for damage or loss of property, caused by the negligent act, error, or omission of a member when acting within the scope of his office.

537.600. 1. Such sovereign or governmental tort
immunity as existed at common law in this state prior to
September 12, 1977, except to the extent waived, abrogated
or modified by statutes in effect prior to that date, shall
remain in full force and effect; except that, the immunity
of the public entity from liability and suit for
compensatory damages for negligent acts or omissions is
hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent
acts or omissions by public employees arising out of the
operation of motor vehicles or motorized vehicles within the
course of their employment;

(2) Injuries caused by the condition of a public
entity's property if the plaintiff establishes that the
property was in dangerous condition at the time of the
injury, that the injury directly resulted from the dangerous
condition, that the dangerous condition created a reasonably
foreseeable risk of harm of the kind of injury which was
incurred, and that either a negligent or wrongful act or
omission of an employee of the public entity within the
course of his employment created the dangerous condition or
a public entity had actual or constructive notice of the
dangerous condition in sufficient time prior to the injury
to have taken measures to protect against the dangerous
condition. In any action under this subdivision wherein a
plaintiff alleges that he was damaged by the negligent,
defective or dangerous design of a highway or road, which
was designed and constructed prior to September 12, 1977,
the public entity shall be entitled to a defense which shall
be a complete bar to recovery whenever the public entity can
prove by a preponderance of the evidence that the alleged
negligent, defective, or dangerous design reasonably

33 complied with highway and road design standards generally
34 accepted at the time the road or highway was designed and
35 constructed.

36 2. The express waiver of sovereign immunity in the
37 instances specified in subdivisions (1) and (2) of
38 subsection 1 of this section are absolute waivers of
39 sovereign immunity in all cases within such situations
40 whether or not the public entity was functioning in a
41 governmental or proprietary capacity and whether or not the
42 public entity is covered by a liability insurance for tort.

43 3. The term "public entity" as used in this section
44 shall include any **school board of this state and** multistate
45 compact agency created by a compact formed between this
46 state and any other state which has been approved by the
47 Congress of the United States.

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