

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0465S.011
Bill No.: SB 171
Subject: Civil Procedure; Liability
Type: Original
Date: January 4, 2021

Bill Summary: This proposal modifies provisions relating to fault of nonparties in tort actions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Legal Expense Fund	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Attorney General’s Office (AGO)** assume this proposal could reduce exposure to the Legal Expense Fund (LEF) in tort claims. Therefore, the AGO assumes an unknown positive fiscal impact on the LEF.

Oversight does not have information to the contrary and therefore, Oversight will reflect the assumptions as provided by the Attorney General’s Office.

Oversight notes that according to the Annual Judicial Statistical Reports from the Office of the State Courts Administrator, a 5 year average shows 13,691 tort cases are filed annually in the State of Missouri.

Officials from the **Office of the State Courts Administrator** and the **Department of Labor and Industrial Relations** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LEGAL EXPENSE FUND			
<u>Savings – AGO – reducing exposure in tort actions</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT ON THE LEGAL EXPENSE FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

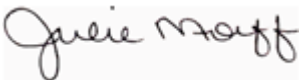
FISCAL DESCRIPTION

This act provides that a claim by a defendant or third-party defendant that a nonparty is at fault shall be an affirmative defense for each party in the action that a specific percentage of fault that proximately caused the damages is attributable to persons from whom the plaintiff does not seek recovery. Any party may raise the defense at any time before trial and the identity of any nonparty claimed to be at fault shall also be affirmatively pleaded if known to the party making the claim.

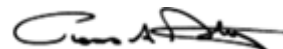
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Office of the State Courts Administrator
Department of Labor and Industrial Relations



Julie Morff
Director
January 4, 2021



Ross Strobe
Assistant Director
January 4, 2021