

SECOND REGULAR SESSION

SENATE BILL NO. 637

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3044S.011

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to disability discrimination, with an emergency clause.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.617, to read as follows:

537.617. 1. The state of Missouri hereby grants limited consent to be sued under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.

2. The consent granted in subsection 1 of this section is for a maximum monetary award in the amounts described in section 537.610. No state court shall enter a judgment for an amount in excess of the monetary limits in section 537.610. Such monetary limits shall apply regardless of whether the state has insurance for defense of the claim. The amount may include attorneys' fees, but shall not include punitive or exemplary damages.

3. The provisions of this section shall apply to all actions pending or initiated on or after the effective date of this section.

Section B. Because immediate action is necessary to maintain the rights of persons with disabilities in Missouri section A of this act is deemed necessary

for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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