

Column from Sen. Matt Bartle for
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Tort Reform Legislation Passes the Missouri Senate

For the past few years there has been a lot of discussion about the need for meaningful tort reform in Missouri. We have all heard stories about doctors forced to close their practices because of the skyrocketing cost of their medical malpractice insurance premiums brought about by too many lawsuits. In addition to doctors, businesses have complained about being forced into St. Louis where courts were perceived to be more likely to hand down bigger settlements to plaintiffs.

During both of the last two legislative sessions, the General Assembly has passed laws to reform our tort (personal injury) laws in order to bring needed reforms in this area and to bring down insurance costs. However, both years the bills failed to actually become law after falling victim to the governor's veto pen. Efforts by the legislature to override the governor's veto were unsuccessful and a stalemate resulted with the law staying the same and doctors continuing to protest their increasingly costly insurance premiums.

This week the Senate again took up the issue of tort reform. After many hours of spirited debate, the bill sent to us by the House of Representatives was passed with relatively minor changes. While one seldom gets everything they want in a particular piece of legislation, I do feel that the Senate position overall represents a more fair and balanced approach to enacting meaningful tort reform than does the bill originally filed. Pains were taken to craft the legislation so that it protects doctors and businesses from being harmed by unnecessary and overly costly lawsuits, while at the same time protecting the rights of injured people to collect a fair recovery.

The bill brings the current cap on non-economic damages (hard to measure things like "pain and suffering") down from well over half a million to \$350,000. More importantly, the bill counteracts a recent court decision that allowed plaintiffs to get around the cap entirely and to potentially get over a half million dollars for multiple events related to the same injury. Perhaps more than any other single item, this uncertainty in how much an insurance company could be forced to pay as a settlement had served to drive premiums higher and higher.

The language passed by the Senate differs from that passed by the House so negotiations are continuing to find a compromise position upon which both chambers can agree. I will likely be part of a 10 member conference committee that will work to hash out the final details of the bill. Regardless of the particulars of what ultimately passes, there is no doubt that this bill ushers in sweeping reforms to Missouri's tort laws.

If you have comments or questions about this week's column or any other matter involving state government, please feel free to contact me. You can reach my office by e-mail at matt_bartle@senate.state.mo.us or by phone at (888) 711-9278.