



MISSOURI SENATE

JEFFERSON CITY

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**A Weekly Column for the
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Tort Reform Legislation Advances

JEFFERSON CITY – The Senate approved legislation to limit personal injury lawsuits this week after lengthy debate on the Senate floor. House Bill 393, the tort reform bill, will reduce high jury awards, restrict liability when multiple defendants are held responsible for awards, and eliminate venue shopping.

Now is the time for meaningful tort reform in the state of Missouri. We have attempted to address this issue before – in Senate Bill 280 and house Bill 1304 – and in both instances the governor vetoed bills passed by the General Assembly.

The problem continues today. According to the Department of Insurance, the number of insurers writing medical malpractice insurance is down to 12, compared to 54 in 2001. Doctors continue to leave Missouri due to high medical malpractice rates. Many rural hospitals no longer offer obstetric services because of the cost of medical malpractice insurance.

There are three key aspects to the legislation I am sponsoring in the Senate.

The first will establish limits on jury awards.

The second issue deals with what is known as joint and several liability, in which the court determines how much multiple defendants are held responsible for awards. The House voted to eliminate joint and several liability. The Senate version makes changes to joint and several liability but does not eliminate it.

Finally, the tort reform bill eliminates venue shopping by requiring the lawsuit to be filed in the county where the injury occurred. For too long trial attorneys have been abusing our legal system by moving cases to St. Louis or Kansas City, where jury awards tend to be much higher.

There is a great history of states that have had meaningful tort reform in recent years which have seen big reductions in medical malpractice rates. Missouri is poised to join those states.

The differences between the House and Senate versions will be worked out in conference committee next week before the final version is sent to the governor, who made tort reform a central theme of his campaign last year.

If you have questions or comments about this or any other issue, please feel free to contact me at 573-751-8793 or by e-mail at: delbertscott@senate.state.mo.us

Senator Delbert Scott represents the people of Barton, Benton, Cedar, Dallas, Henry, Hickory, Pettis, Polk and St. Clair counties in the Missouri Senate.