

FIRST REGULAR SESSION

# SENATE BILL NO. 533

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 19, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1673S.011

## AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to sovereign immunity.

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

Section A. Section 537.610, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 537.610, to read as follows:

537.610. 1. The commissioner of administration, through the purchasing  
2 division, and the governing body of each political subdivision of this state,  
3 notwithstanding any other provision of law, may purchase liability insurance for  
4 tort claims, made against the state or the political subdivision, but the maximum  
5 amount of such coverage shall not exceed two million dollars for all claims arising  
6 out of a single occurrence and shall not exceed three hundred thousand dollars  
7 for any one person in a single accident or occurrence, except for those claims  
8 governed by the provisions of the Missouri workers' compensation law, chapter  
9 287, RSMo, and no amount in excess of the above limits shall be awarded or  
10 settled upon. Sovereign immunity for the state of Missouri and its political  
11 subdivisions is waived only to the maximum amount of and only for the purposes  
12 covered by such policy of insurance purchased pursuant to the provisions of this  
13 section and in such amount and for such purposes provided in any self-insurance  
14 plan duly adopted by the governing body of any political subdivision of the state.

15 2. The liability of the state and its public entities on claims within the  
16 scope of sections 537.600 to 537.650, shall not exceed two million dollars for all  
17 claims arising out of a single accident or occurrence and shall not exceed three  
18 hundred thousand dollars for any one person in a single accident or occurrence,  
19 except for those claims governed by the provisions of the Missouri workers'  
20 compensation law, chapter 287, RSMo.

21           3. No award for damages on any claim against a public entity within the  
22 scope of sections 537.600 to 537.650, shall include punitive or exemplary  
23 damages.

24           4. If the amount awarded to or settled upon multiple claimants exceeds  
25 two million dollars, any party may apply to any circuit court to apportion to each  
26 claimant his proper share of the total amount limited by subsection 1 of this  
27 section. The share apportioned each claimant shall be in the proportion that the  
28 ratio of the award or settlement made to him bears to the aggregate awards and  
29 settlements for all claims arising out of the accident or occurrence, but the share  
30 shall not exceed three hundred thousand dollars.

31           5. The limitation on awards for liability provided for in this section shall  
32 be increased or decreased on an annual basis effective January first of each year  
33 in accordance with the Implicit Price Deflator for Personal Consumption  
34 Expenditures as published by the Bureau of Economic Analysis of the United  
35 States Department of Commerce. The current value of the limitation shall be  
36 calculated by the director of the department of insurance, who shall furnish that  
37 value to the secretary of state, who shall publish such value in the Missouri  
38 Register as soon after each January first as practicable, but it shall otherwise be  
39 exempt from the provisions of section 536.021, RSMo. **The limitation to be**  
40 **applied on a particular claim shall be the limitation in force at the time**  
41 **of the original occurrence giving rise to the claim.**

42           6. Any claim filed against any public entity under this section shall be  
43 subject to the penalties provided by supreme court rule 55.03.

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