

SECOND REGULAR SESSION

SENATE BILL NO. 846

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RICHARD.

Read 1st time February 10, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5911S.03I

AN ACT

To repeal section 537.067, RSMo, and to enact in lieu thereof one new section relating to attorney contingency fees, with a referendum clause.

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

Section A. Section 537.067, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.067, to read as follows:

537.067. 1. In all tort actions for damages, if a defendant is found to bear fifty-one percent or more of fault, then such defendant shall be jointly and severally liable for the amount of the judgment rendered against the defendants. If a defendant is found to bear less than fifty-one percent of fault, then the defendant shall only be responsible for the percentage of the judgment for which the defendant is determined to be responsible by the trier of fact; except that, a party is responsible for the fault of another defendant or for payment of the proportionate share of another defendant if any of the following applies:

(1) The other defendant was acting as an employee of the party;

(2) The party's liability for the fault of another person arises out of a duty created by the federal Employers' Liability Act, 45 U.S.C. Section 51.

2. The defendants shall only be severally liable for the percentage of punitive damages for which fault is attributed to such defendant by the trier of fact.

3. In all tort actions, no party may disclose to the trier of fact the impact of this section.

4. In any action for damages, no attorney shall contract for, charge, or collect a contingent fee in excess of the following amounts:

(1) Thirty-three percent of the first fifty thousand dollars of damages;

21 **(2) Twenty-five percent of the next fifty thousand dollars of**
22 **damages;**

23 **(3) Fifteen percent of the next five hundred thousand dollar of**
24 **damages; and**

25 **(4) Ten percent of any amount of damages exceeding six hundred**
26 **thousand dollars.**

27 **In no case shall an attorney collect fees, charges, or any other costs**
28 **which in the aggregate total more than thirty-three percent of the total**
29 **damages.**

 Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in November,
4 2014, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

 Section C. Pursuant to chapter 116, RSMo, and other applicable
2 constitutional provisions and laws of this state allowing the general assembly to
3 adopt ballot language for the submission of referendum measures to the voters
4 of this state, the official ballot summary of the act proposed in section A of this
5 act shall be as follows:

6 "Shall Missouri law place limits on attorney contingency fees deducted
7 from awards or settlements to injured parties?"

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