

FIRST REGULAR SESSION

# SENATE BILL NO. 213

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Pre-filed December 19, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0831S.01I

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to time-limited offers to settle tort claims.

*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  
2 section, to be known as section 537.057, to read as follows:

**537.057. 1. As used in this section, the term "time-limited  
2 demand" means an offer to settle or a demand for payment made by a  
3 claimant, or his or her attorney or representative, to an alleged tort-  
4 feisor, or his or her attorney, representative, or insurer, in an attempt  
5 to settle a claim against that tort-feisor that by its terms must be  
6 accepted within a specified period of time.**

7 **2. A time-limited demand related to a claim for personal injury,  
8 bodily injury, or death shall be in writing, shall offer either an  
9 unconditional release from all future financial liability, or a release  
10 pursuant to statutory agreements found in sections 537.060 and 537.065,  
11 and shall contain the following material terms:**

12 **(1) The time period within a time-limited demand shall be  
13 accepted, which shall be not less than thirty days from the receipt of  
14 the time-limited demand if the recipient already possesses the records  
15 required by subdivision (3) of subsection 3 of this section, or shall be  
16 not less that sixty days if written authorizations are provided under  
17 subdivision (3) of subsection 3 of this section;**

18 **(2) Amount of monetary payment requested;**

19 **(3) The party or parties the claimant or claimants will release if  
20 such time-limited demand is accepted; and**

21 **(4) The claims to be released.**

22           **3. Unless the time-limited demand recipients already possess this**  
23 **information, such demand or offer shall be accompanied by:**

24           **(1) A list of the names and addresses of medical providers who**  
25 **have provided treatment to the claimant or decedent for such injuries**  
26 **or prior treatments reasonably related to such injuries;**

27           **(2) A list of the names and addresses of employers if the claimant**  
28 **is seeking damages for loss of wages or earnings;**

29           **(3) Written authorizations, or expressed willingness to timely**  
30 **sign written authorizations, sufficient to allow the party, its**  
31 **representatives, and liability insurer to obtain records from all**  
32 **employers and medical care providers listed in subdivisions (1) and (2)**  
33 **of this subsection.**

34           **4. The recipients of a time-limited demand may accept the same**  
35 **by providing written acceptance of the material terms outlined in**  
36 **subsection 2 of this section.**

37           **5. Upon receipt of a time-limited demand, the recipients shall**  
38 **have the right to seek clarification regarding terms, liens, subrogation**  
39 **claims, standing to release claims, medical bills, medical records, and**  
40 **other relevant facts. An attempt to seek reasonable clarification shall**  
41 **not be deemed a counter offer or rejection of the time-limited demand.**

42           **6. A time-limited demand shall be sent by certified mail return**  
43 **receipt requested, and shall specifically reference this section.**

44           **7. The person or entity providing payment to satisfy the material**  
45 **term set forth in subdivision (2) of subsection 2 of this section may**  
46 **elect to provide payment by any one or more of the following:**

47           **(1) Cash;**

48           **(2) Money order;**

49           **(3) Wire transfer;**

50           **(4) A cashier's check issued by a bank or other financial**  
51 **institution;**

52           **(5) A draft or bank check issued by an insurance company; or**

53           **(6) Electronic funds transfer or other method of electronic**  
54 **payment.**

55           **8. Nothing in this section shall prohibit a party making a time-**  
56 **limited demand from requiring payment within a specified period;**  
57 **provided, however, that such period for a payment shall not be less**  
58 **than ten days after written acceptance of the time-limited demand.**

59           **9. Nothing in this section applies to offers or demands or time-**  
60 **limited demands within thirty days of the trial on that matter.**

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