

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 213
99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Offered March 29, 2017.

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ADRIANE D. CROUSE, Secretary.

0831S.07P

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 537.058, to read as follows:

537.058. 1. As used in this section, the following terms shall
2 **mean:**

3 (1) "Extra-contractual damages", any amount of damage that
4 exceeds the total available limit of liability insurance for all of a
5 liability insurer's liability insurance policies applicable to a claim for
6 personal injury, bodily injury, or wrongful death;

7 (2) "Time-limited demand", any offer to settle any claim for
8 personal injury, bodily injury, or wrongful death made by or on behalf
9 of a claimant to a tort-feasor with a liability insurance policy for
10 purposes of settling a claim against such tort-feasor within the
11 insurer's limit of liability insurance, which by its terms must be
12 accepted within a specified period of time;

13 (3) "Tort-feasor", any person claimed to have caused or
14 contributed to cause personal injury, bodily injury, or wrongful death
15 to a claimant.

16 2. A time-limited demand to settle any claim for personal injury,

17 **bodily injury, or wrongful death shall be in writing, shall reference this**
18 **section, shall be sent certified mail return-receipt requested to the tort-**
19 **feasor's liability insurer, and shall contain the following material**
20 **terms:**

21 **(1) The time period within which the offer shall remain open for**
22 **acceptance by the tort-feasor's liability insurer, which shall not be less**
23 **than ninety days from the date such demand is received by the liability**
24 **insurer;**

25 **(2) The amount of monetary payment requested or a request for**
26 **the applicable policy limits;**

27 **(3) The date and location of the loss;**

28 **(4) The claim number, if known;**

29 **(5) A description of all known injuries sustained by the claimant;**

30 **(6) The party or parties to be released if such time-limited**
31 **demand is accepted;**

32 **(7) A description of the claims to be released if such time-limited**
33 **demand is accepted; and**

34 **(8) An offer of unconditional release for the liability insurer's**
35 **insureds from all present and future liability for that occurrence under**
36 **section 537.060.**

37 **3. Such time-limited demand shall be accompanied by:**

38 **(1) A list of the names and addresses of health care providers**
39 **who provided treatment to or evaluation of the claimant or decedent**
40 **for injuries suffered from the date of injury until the date of the time-**
41 **limited demand, and HIPPA compliant written authorizations sufficient**
42 **to allow the liability insurer to obtain records from the health care**
43 **providers listed; and**

44 **(2) A list of the names and addresses of all the claimant's**
45 **employers at the time the claimant was first injured until the date of**
46 **the time-limited demand, and written authorizations sufficient to allow**
47 **the liability insurer to obtain records from all employers listed, if the**
48 **claimant asserts a loss of wages, earnings, compensation, or profits**
49 **however denominated.**

50 **4. If a liability insurer with the right to settle on behalf of an**
51 **insured receives a time-limited demand, such insurer may accept the**
52 **time-limited demand by providing written acceptance of the material**
53 **terms outlined in subsection 2 of this section, delivered or postmarked**

54 to the claimant or the claimant's representative within the time period
55 set in the time-limited demand.

56 5. Nothing in this section shall prohibit a claimant making a
57 time-limited demand from requiring payment within a specified period;
58 provided, however, that such period for payment shall not be less than
59 ten days after the insurer's receipt of a fully executed unconditional
60 release under section 537.060 as specified in subsection 2 of this
61 section.

62 6. Nothing in this section applies to offers or demands or time-
63 limited demands issued within ninety days of the trial by jury of any
64 claim on which a lawsuit has been filed.

65 7. In any lawsuit filed by a claimant as an assignee of the tort-
66 feator or by the tort-feator for the benefit of the claimant, a time-
67 limited demand that does not comply with the terms of this section
68 shall not be considered as a reasonable opportunity to settle for the
69 insurer and shall not be admissible in any lawsuit alleging extra-
70 contractual damages against the tort-feator's liability insurer.

Bill ✓

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