

FIRST REGULAR SESSION

SENATE BILL NO. 595

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

2757S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a public body for economic damages.

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 section, to be known as section 537.660, to read as follows:

537.660. 1. For purposes of this section, the following terms mean:

(1) "Person", an individual, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143;

19 (2) "Public body", the state, any state agency,
20 county, city, town, village, or other political subdivision.

21 2. Any person shall have a cause of action against a
22 public body or an employee thereof if the public body or the
23 employee in performance of a statutory or constitutional
24 duty causes an economic detriment to the person due to:

25 (1) An error in the application of any provision of
26 law; or

27 (2) The enforcement of any order, ordinance, rule
28 regulation, policy, or other similar measure that imposes a
29 greater restriction or burden on the person than on others.

30 3. Upon showing by a preponderance of the evidence
31 that the public body or an employee thereof has caused
32 economic detriment to the person, the court shall award
33 damages to the person in an amount equal to the amount of
34 the economic detriment.

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