

SENATE BILL NO. 1028

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

4845S.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
2 one new section, to be known as section 537.660, to read as
3 follows:

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

3 (1) "Person", an individual, firm, a partner in a
4 firm, corporation or a shareholder in an S corporation doing
5 business in the state of Missouri and subject to the state
6 income tax imposed by the provisions of chapter 143,
7 including any charitable organization which is exempt from
8 federal income tax and whose Missouri unrelated business
9 taxable income, if any, would be subject to the state income
10 tax imposed under chapter 143, or an insurance company
11 paying an annual tax on its gross premium receipts in this
12 state, or other financial institution paying taxes to the
13 state of Missouri or any political subdivision of this state
14 pursuant to the provisions of chapter 148, or an express
15 company which pays an annual tax on its gross receipts in
16 this state pursuant to chapter 153, or an individual subject
17 to the state income tax imposed by the provisions of chapter
18 143;

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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