

SECOND REGULAR SESSION

# SENATE BILL NO. 1346

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5106S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to the purchasing of liability insurance for tort claims made against public entities.

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

Section A. Section 537.610, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 537.610,  
3 to read as follows:

537.610. 1. The commissioner of administration,  
2 through the purchasing division, and the governing body of  
3 each political subdivision of this state, notwithstanding  
4 any other provision of law, may purchase liability insurance  
5 for tort claims, made against the state or the political  
6 subdivision, but the maximum amount of such coverage shall  
7 not exceed two million dollars for all claims arising out of  
8 a single occurrence and shall not exceed three hundred  
9 thousand dollars for any one person in a single accident or  
10 occurrence, except for those claims governed by the  
11 provisions of the Missouri workers' compensation law,  
12 chapter 287, and no amount in excess of the above limits  
13 shall be awarded or settled upon. Sovereign immunity for  
14 the state of Missouri and its political subdivisions is  
15 waived only to the maximum amount of and only for the  
16 purposes covered by such policy of insurance purchased  
17 pursuant to the provisions of this section and in such  
18 amount and for such purposes provided in any self-insurance

19 plan duly adopted by the governing body of any political  
20 subdivision of the state. **For purposes of this section, the**  
21 **term "purchase" refers only to the direct acquisition by a**  
22 **governing body of a political subdivision of this state of**  
23 **insurance coverage from an insurance company or other**  
24 **business entity and does not include any indirect action by**  
25 **contract or otherwise including, but not limited to,**  
26 **requiring additional coverage or insured status under the**  
27 **insurance policy of another person or entity.**

28       2. The liability of the state and its public entities  
29 on claims within the scope of sections 537.600 to 537.650,  
30 shall not exceed two million dollars for all claims arising  
31 out of a single accident or occurrence and shall not exceed  
32 three hundred thousand dollars for any one person in a  
33 single accident or occurrence, except for those claims  
34 governed by the provisions of the Missouri workers'  
35 compensation law, chapter 287.

36       3. No award for damages on any claim against a public  
37 entity within the scope of sections 537.600 to 537.650,  
38 shall include punitive or exemplary damages.

39       4. If the amount awarded to or settled upon multiple  
40 claimants exceeds two million dollars, any party may apply  
41 to any circuit court to apportion to each claimant his  
42 proper share of the total amount limited by subsection 1 of  
43 this section. The share apportioned each claimant shall be  
44 in the proportion that the ratio of the award or settlement  
45 made to him bears to the aggregate awards and settlements  
46 for all claims arising out of the accident or occurrence,  
47 but the share shall not exceed three hundred thousand  
48 dollars.

49       5. The limitation on awards for liability provided for  
50 in this section shall be increased or decreased on an annual

51 basis effective January first of each year in accordance  
52 with the Implicit Price Deflator for Personal Consumption  
53 Expenditures as published by the Bureau of Economic Analysis  
54 of the United States Department of Commerce. The current  
55 value of the limitation shall be calculated by the director  
56 of the department of commerce and insurance, who shall  
57 furnish that value to the secretary of state, who shall  
58 publish such value in the Missouri Register as soon after  
59 each January first as practicable, but it shall otherwise be  
60 exempt from the provisions of section 536.021.

61 6. Any claim filed against any public entity under  
62 this section shall be subject to the penalties provided by  
63 supreme court rule 55.03, or any successor rule.

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