

SECOND REGULAR SESSION

# SENATE BILL NO. 1467

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BURGER.

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KRISTINA MARTIN, Secretary

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### AN ACT

To repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to limitations on awards for damages against public entities.

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Section A. Section 537.610, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.610, to read as follows:

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

21 2. The liability of the state and its public entities  
22 on claims within the scope of sections 537.600 to 537.650,  
23 shall not exceed two million dollars for all claims arising  
24 out of a single accident or occurrence and shall not exceed  
25 three hundred thousand dollars for any one person in a  
26 single accident or occurrence, except for those claims  
27 governed by the provisions of the Missouri workers'  
28 compensation law, chapter 287.

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

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

42 5. The limitation on awards for liability provided for  
43 in this section shall be increased or decreased on an annual  
44 basis effective January first of each year in accordance  
45 with the Implicit Price Deflator for Personal Consumption  
46 Expenditures as published by the Bureau of Economic Analysis  
47 of the United States Department of Commerce. The current  
48 value of the limitation shall be calculated by the director  
49 of the department of commerce and insurance, who shall

50 furnish that value to the secretary of state, who shall  
51 publish such value in the Missouri Register as soon after  
52 each January first as practicable, but it shall otherwise be  
53 exempt from the provisions of section 536.021. **The**  
**54 applicable limitation on awards for liability provided for**  
**55 in this section as to a given claim shall be the limitation**  
**56 then in effect on the date of the accident or occurrence**  
**57 giving rise to the claim.**

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

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