

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3388-01
Bill No.: SB 957
Subject: Motor Vehicles; Sovereign or Official Immunity
Type: Original
Date: January 26, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue Fund	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Highway	Unknown	Unknown	Unknown
Conservation	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>All</u> State Funds	Unknown	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General, Department of Revenue** and the **Department of Public Safety – Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Transportation (MoDOT)** assume the proposal would result in an unknown positive impact to Highway Funds. The elimination of joint and several liability, elimination of the 1 percent comparative fault limitation for failure to wear a seat belt, and the exclusive remedy provision could be advantageous to the Missouri Highways and Transportation Commission (MHTC) and MoDOT. However, an accurate estimate would be impossible to determine as the benefit of these revisions would depend upon the number of cases impacted, the potential liability of MHTC in such cases, and other related factors.

Officials from the **Department of Conservation (MDC)** assume the proposal would have an unknown impact on MDC funds.

ASSUMPTION (continued)

Officials from the **Office of Administration – General Services Division, Risk Management** assume, in light of Cottey v. Schmitter, et al, MLW No. 26286, this proposed legislation has the potential for savings to the state. Risk Management is aware of one case that would have been impacted by the proposed changes. However, the Risk Management cannot determine the amount of the savings at this time.

Oversight assumes local political subdivisions could experience a savings due to the provisions of the proposed legislation that eliminate joint and several liability. Oversight has reflected this potential savings as Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Savings</u> – Office of Administration Elimination of joint and several liability	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
HIGHWAY FUNDS			
<u>Savings</u> – Department of Transportation Elimination of joint and several liability	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
CONSERVATION FUND			
<u>Savings</u> – Department of Conservation Elimination of joint and several liability	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON CONSERVATION FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
POLITICAL SUBDIVISIONS			
<u>Savings</u> – Elimination of joint and several liability	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

FISCAL IMPACT - Small Business

The proposed legislation could result in some small savings to small business.

DESCRIPTION

Under the proposed legislation, a claimant's failure to wear a seat belt would be admissible as evidence on the issue of comparative negligence. Under the current law, failure to wear a seat belt is not considered evidence of comparative negligence.

The proposal would modify the law regarding sovereign immunity with respect to public employees. Under this proposal, the remedy against a public entity under the sovereign immunity statutes for injuries, death, or property damage arising from negligent acts or omissions of its public employees would be exclusive or any other civil action or proceeding for money damages against the employee or the employee's estate. Any other civil action relating to the same subject matter against the civil employee is precluded without regard to when the act or omission occurred. The doctrine of joint and several liability would not apply against any public entity or public employee under any cause of action arising under sovereign immunity principles.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
Office of State Courts Administrator
Department of Revenue
Department of Transportation
Department of Public Safety
– Missouri State Highway Patrol
Department of Conservation



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Director
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