

HCS HB 91 -- WORKERS' COMPENSATION LIABILITY

SPONSOR: Fisher (Nolte)

COMMITTEE ACTION: Voted "do pass" by the Committee on Workforce Development and Workplace Safety by a vote of 12 to 0.

This substitute specifies that an employer and his or her employees will not be liable for any injury or death for which compensation is recoverable under provision of the Workers' Compensation Law, except that an employee remains liable for any injury or death caused by that employee's unprovoked violence or assault against another employee.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill is needed to correct an interpretation of the law by the courts that exposes employees to civil liability for injuries sustained by co-workers. Exposing co-workers to civil liability will inhibit workers from accepting high-risk employment. Currently, an injured worker could receive benefits under workers' compensation as well as seek civil remedies thereby collecting twice for the same injury.

Testifying for the bill were Representative Nolte; National Federation of Independent Business; Associated Industries of Missouri; Missouri Chamber of Commerce and Industry; Missouri Retailers Association; Missouri Grocers' Association; Missouri Restaurant Association; Greater Kansas City Chamber of Commerce; Missouri Insurance Coalition; Associated Builders and Contractors; Missouri Self Insurers Association; and St. Louis Regional Chamber and Growth Association.

OPPOSERS: Those who oppose the bill wanted to go on record in opposition to the bill.

Testifying against the bill was Missouri Association of Trial Attorneys.

OTHERS: Others testifying on the bill say previous versions of the bill were more comprehensive.

Testifying on the bill was Missouri AFL-CIO.