

HB 269 -- Tort Liability and Immunity

Sponsor: Molendorp

This bill adds certain not-for-profit organizations to the term "public entity" as it relates to sovereign or governmental tort immunity and limits the liability of the state regarding tort claims involving motor vehicles and dangerous conditions. The bill specifies that the term "public entity" includes any not-for-profit organization that provides or contracts for ambulance services pursuant to authority granted by a city, county, town, or village and of which a majority of the governing body consists of elected officials or individuals appointed by the mayor, board of aldermen, city council, county commission, or county legislature and will be entitled to sovereign or governmental tort immunity under certain provisions.

Any liability of the state, its public entities, or their officers or employees arising out of the operation of a motor vehicle being operated within the course and scope of their office, employment, or agency with the state or its public entities must not exceed \$2 million for all claims against all the entities or individuals arising out of a single accident or occurrence. Any liability arising out of any dangerous condition of property which the officer or employee allegedly caused or contributed to cause cannot exceed \$2 million for all claims arising out of the single accident or occurrence and cannot exceed \$300,000 for any one person in a single accident or occurrence. The maximum allowable recovery for either type of liability claim that is also brought against an officer or employee of the state or its public entities must be reduced by any amount that is paid by the state, its public entities, or their officers or employees.

The liability of the state or its public entities for the operation of a motor vehicle is vicarious to the liability of the operator of the motor vehicle.