

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	SB1087
Version:	FA1
Request Number:	8299
Author:	Rep. Kannady
Date:	4/25/2023
Impact:	Unknown

Research Analysis

The floor substitute for Engrossed SB1087 makes numerous changes to the Governmental Tort Claims Act. The measure expands the application of the GTCA to public libraries and licensed physicians that are providing medical services in a rural public trust hospital, but are not employees of said hospital. Services performed by such physicians must be covered by a \$1 million or more liability insurance policy;

The measure also modifies the liability limits in the GTCA to the following:

- Property damage: increase from \$25,000 to actual amount or loss
- Single claim from a single act, occurrence or accident: increase from \$125,000 to \$250,000. For the state or a city or county with more than 300,000 population, the maximum liability is increased from \$175,000 to \$375,000;
- Nuisance claims arising from a single, act, accident or occurrence: newly established limit of \$85,000 or \$140,000 for the state or a city or county with more than 300,000 population;
- Medical negligence claim: increase from \$200,000 to \$400,000
- Multiple claims from a single act, occurrence or accident: increase from \$1 million to \$2 million
- Wrongful criminal conviction: increase from \$175,000 to \$350,000
- Claims against physicians and interns of medical education program: increase from \$100,000 to \$175,000
- Claim against public trust hospital and non-employee physicians: set at \$1 million.

CHANGES MADE IN THE FLOOR SUBSTITUTE FROM ENGROSSED:

The floor substitute added the language which increases numerous liability limits in the GTCA. The floor substitute also added the language which expanded to the application of the GTCA to public libraries.

Prepared By: Quyen Do

Fiscal Analysis

The floor amendment to SB 1087 modifies a definition relating to physicians licensed to practice medicine who provide medical services in a public trust hospital. This section of the measure has no direct fiscal or revenue considerations for the state.

This measure also raises some of the caps on damages for tort claims against the state and its political subdivisions. While these payments for damages may impact the state budget, the

amount will vary by the total number of claims, the amount of claims in each, and the amount of the actual damages for each claim. As these various factors are all unknown in any given fiscal year, the impact to the state is unknown.

Overall, the changes in this measure would result in an unknown fiscal impact to the state budget with a potential variance in any given fiscal year.

Prepared By: Jay St Clair, House Fiscal Staff

Other Considerations

None.