

Bill Summary
2nd Session of the 59th Legislature

Bill No.:	SB 1168
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Author:	Sen. Hall
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Bill Analysis

SB 1168 expands “public employee” as it relates to the Governmental Tort Claims Act to include a public trust and any sole member not-for-profit corporation of the public trust and any sole member not-for-profit subsidiary of such corporation. The measure also defines “occurrence” to mean a loss arising out of an accident or event or a continuous or repeated exposure to substantially the same general harmful conditions. Political subdivision is expanded to include public libraries. The measure increases the maximum liability the state or its political subdivisions shall be subject to from \$25,000.00 to \$75,000.00 as it relates to any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence. For any number of claims arising from loss of property or discomfort in nuisance claims arising out of a single act, accident, or occurrence, the amount is capped at \$225,000.00 in counties with a population less than 150,000 and \$275,000.00 in counties with a population greater than 150,000.

The maximum amount awarded to any claimant for a claim for any other loss arising out of a single act, accident, or occurrence is increased from \$125,000.00 to \$250,000.00 in counties with a population less than 150,000 instead of 300,000. The amount for awards made to individuals in counties with a population greater than 150,000 is increased from \$175,000.00 to \$375,000.00. The limits for awards relating to state mental health hospitals is increased from \$200,000.00 to \$300,000.00. The measure caps aggregate awards arising from a single occurrence or accident at \$2 million. The total liability of a public trust hospital and physician for the acts of a physician who provides medical services on the premises of a public trust hospital located in a county with a population smaller than 75,000 shall not exceed \$1 million. The measure provides for such limits to liability to be adjusted every 5 years to reflect the lesser of the percentage change in the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor for such period or 4% in any 5-year period.

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