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## 2010 State Legislation Concerning State Liability and Sovereign Immunity

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Compiled by Jaime Rall, NCSL ([jaime.rall@ncsl.org](mailto:jaime.rall@ncsl.org) or 303-856-1417)

This is a non-exhaustive list of legislation considered during states' 2010 legislative sessions concerning state liability and sovereign immunity. **The list does not include legislation concerning immunity for local governments or political subdivisions** (e.g. North Carolina House Bill 887 and Senate Bill 1026; Tennessee Senate Bill 3296, substituted for House Bill 3462).

State	Legislation	Status	Provisions
Florida	Senate Bill 2130	Failed	<ul style="list-style-type: none"><li>Expresses the legislative intent to revise laws relating to sovereign immunity.</li></ul>
	Senate Bill 2060 (similar to House Bill 1107)	<b>Enacted; 2010 Fla. Laws, Chap. 26</b>	<ul style="list-style-type: none"><li>Increases the statutory limits of liability for tort claims against the state and its agencies and subdivisions to \$200,000 per claim and \$300,000 per occurrence.</li></ul>
Hawaii	House Bill 1034 (similar to Senate Bill 852)	Failed	<ul style="list-style-type: none"><li>Clarifies that certain waivers of the state's sovereign immunity can only take place if the legislature has in a statute unequivocally waived that sovereign immunity.</li></ul>
	Senate Bill 2668 (companion to House Bill 2515; similar to Senate Bill 2820)	Failed	<ul style="list-style-type: none"><li>Limits awards or the recovery of attorney's fees or interest against or from the state to only those cases for which the Legislature expressly waives the State's sovereign immunity and permits the award or recovery.</li></ul>
	House Bill 382	Failed	<ul style="list-style-type: none"><li>Requires notification of pending class action against the state to the Governor, President of the Senate, and Speaker of the House prior to the filing of the lawsuit.</li></ul>

State	Legislation	Status	Provisions
Louisiana	House Concurrent Resolution 161	<b>Adopted</b>	<ul style="list-style-type: none"> <li>• Directs the State Law Institute to study all aspects of liability relating to road hazards.</li> </ul>
Minnesota	Senate Bill 93	Failed	<ul style="list-style-type: none"> <li>• Removes the single occurrence liability cap.</li> </ul>
	House Bill 2669 (similar to Senate Bill 2834)	Failed	<ul style="list-style-type: none"> <li>• Restores state and local government tort liability limits to pre-2008 levels.</li> <li>• Prohibits state and local government contracts that require contractors to provide liability insurance or other security in excess of those limits.</li> </ul>
New Mexico	House Bill 110	Failed	<ul style="list-style-type: none"> <li>• Requires attorneys representing governmental entities to examine and verify a plaintiff's claim for attorney fees and costs.</li> <li>• Requires the risk management division of the general services department to determine the reasonableness of attorney fees and costs prior to payment.</li> </ul>
	Senate Bill 220	Failed	<ul style="list-style-type: none"> <li>• Provides that a governmental entity shall not provide a defense or pay a settlement or final judgment for a public employee when the employee is sued by the state or pursuant to the Fraud against Taxpayers Act.</li> </ul>
North Carolina	House Bill 1495	Failed	<ul style="list-style-type: none"> <li>• Prohibits sovereign or governmental immunity nonwaiver endorsements in insurance policies.</li> </ul>
Tennessee	Senate Bill 147 (similar to House Bill 308)	Failed	<ul style="list-style-type: none"> <li>• Clarifies that judgments rendered against self-insured governmental entities are limited whether or not the entity purchases reinsurance or high single insured retentions.</li> </ul>
	House Bill 513 (similar to Senate Bill 1105)	Failed	<ul style="list-style-type: none"> <li>• Increases governmental tort liability limits for actions arising on or after July 1, 2009, to \$425,000 per person for bodily injury or death, \$1,000,000 per occurrence for bodily injury or death, and \$140,000 per occurrence for injury or destruction of property.</li> </ul>
Virginia	Senate Joint Resolution 30	Failed	<ul style="list-style-type: none"> <li>• Directs the Joint Legislative Audit and Review Commission to study the costs incurred by the Commonwealth or its localities resulting from tort claims brought against such entities.</li> </ul>