



SB 916

Sponsor: Jamie Burger

Link to full text: <https://www.senate.mo.gov/26info/pdf-bill/intro/SB916.pdf>

PART 1 – QUICK SNAPSHOT

1.1 One-Paragraph Overview

SB 916 amends Missouri’s sovereign immunity statute (§ 537.600, RSMo) so that **private contractors and subcontractors working for MoDOT get the same tort immunity as a public entity** when they are acting under a MoDOT contract and following MoDOT-approved plans and specs.

This means that when a contractor’s work harms Missourians, the contractor is largely shielded from lawsuits, and injured families may have limited or no recourse against the company that actually did the work. The immunity begins when MoDOT gives the “notice to proceed” and continues even after the project is formally accepted. Overall, the bill shifts legal protection toward large contractors and away from ordinary citizens who are injured by highway/road projects.

1.2 Triage Table

- **Single-subject (Art. III §23)**
 - **Yes** – The bill deals with one subject: tort liability/immunity for MoDOT contractors, by amending a single section, § 537.600.
- **Does it grow government (size, power, or insulation from accountability)?**
 - **Yes** – It **expands sovereign immunity** to private actors, reducing legal accountability without adding new protections for citizens. That is an expansion of government-style protection to insiders.
- **Overall impact on Missouri families:**
 - **Hurts** – Makes it harder for injured families to hold the actual negligent party (contractor/subcontractor) responsible, and may push more cost and risk onto taxpayers and victims.
- **Alignment with Act for Missouri core beliefs:**

- **Undermines** – It grants special legal shields to favored partners of a state agency, undermining equal justice, limited government, and the idea that political power exists for the good of the people, not special interests.
 - **Recommended stance:**
 - **Strongly Oppose**
-

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose & Title

- **Title:** “An Act ... to repeal section 537.600, RSMo, and to enact in lieu thereof one new section relating to liability of private contractors.”
- **Plain-language purpose:**

To **give private contractors and subcontractors working under MoDOT contracts the same sovereign/governmental tort immunity that MoDOT has**, including damage caps, when they work according to MoDOT’s plans and specifications.
- **Title accuracy:**
 - The title is **accurate but blandly framed**. It says “liability of private contractors,” but does not spell out that this **significantly expands immunity** and reduces the public’s ability to sue private companies that injure them.

2.2 Provision-by-Provision Map

Provision 1 – Restatement of existing sovereign immunity and waivers

- **Location:** § 537.600.1–3 (unchanged language).
 - **What it does:**
 - Reaffirms common-law sovereign immunity for public entities, but keeps the existing waivers for:
 - Negligent operation of motor/motorized vehicles by public employees within the scope of employment. (§ 537.600.1(1))
 - Injuries caused by the dangerous condition of public property, including certain design-defect claims. (§ 537.600.1(2))
 - **Tag:** [Neutral]
 - **Why:** This is existing law being carried forward; the controversy comes from the new subsection.
-

Provision 2 – Extension of sovereign immunity to MoDOT contractors and subcontractors

- **Location:** New § 537.600.4, lines 47–59.
- **Plain-language description:**
 - Private contractors and subcontractors:
 - When acting within the scope of a contract with MoDOT, **and**
 - Performing work in line with MoDOT-approved plans and specifications,
 - “Shall have sovereign or governmental tort immunity to the same extent as a public entity,” including the damage caps in § 537.610.
 - Immunity starts when MoDOT issues the official “notice to proceed” and **continues after MoDOT formally accepts the completed project.**
 - The immunity is “subject to the exceptions that are set forth in this section” (i.e., the waivers in § 537.600).
- **Tag:** [Red Flag]
- **Why:** This extends government-style immunity to private companies, weakening the ability of injured citizens to recover damages from the party directly responsible for negligent work, and confers a **special legal privilege on a narrow, powerful class of actors (MoDOT contractors).**

2.3 Changes to Existing Law

- **Statute affected:** § 537.600, RSMo (sovereign/governmental immunity).

Current law (before SB 916):

- Public entities (including MoDOT) enjoy sovereign immunity except for:
 - Certain motor-vehicle accidents caused by public employees in the course of employment. (§ 537.600.1(1))
 - Dangerous conditions of public property (with proof of dangerous condition, causation, and notice or creation by a public employee). (§ 537.600.1(2))
- Private contractors do **not** share this sovereign immunity. They can be sued as private parties for negligence, defective work, etc., subject to ordinary tort principles.

Change under SB 916:

- **Who gains power/protection:**
 - Private contractors and subcontractors on MoDOT projects gain **sovereign/governmental immunity** and damage caps normally reserved for

public entities, as long as they follow MoDOT plans/specs and are within the contract's scope.

- **Who loses protection/rights:**
 - **Injured citizens** (motorists, landowners, pedestrians) lose a direct cause of action against contractors in many cases. They may be forced to sue only MoDOT under narrow waivers—or possibly face no viable defendant at all if the injury doesn't fit a waiver.
 - **New legal reality:**
 - Legal accountability shifts **away from the companies actually doing the work** and toward a system where government and its chosen partners are insulated, and the public bears more risk.
-

PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Single-Subject & Original-Purpose (Art. III §23)

- **Main subject:** Tort immunity/liability for MoDOT-related work.
- **Other subjects:**
 - No distinct additional subject areas appear. All changes are within sovereign immunity/liability in § 537.600.
- **Riders / barnacles:**
 - No obvious unrelated riders; this is one focused change.
- **Title clarity:**
 - “Relating to liability of private contractors” is broad but fits the single change. It does, however, **understate** the real effect (granting government-style immunity), which citizens may not grasp from the title alone.
- **Original-purpose concerns:**
 - With only one section amended, there is no visible “gut and replace” or obvious shift in purpose in the text we see.
- **Conclusion:**
 - **Likely complies** with single-subject and clear-title requirements, though the title can be criticized as **minimizing** the impact.

3.2 U.S. & Missouri Constitutional Rights

Open courts / access to remedy (Mo. Const. Art. I, § 14)

- **Concern:**
 - Missouri’s Bill of Rights states that courts of justice shall be open and that every person shall have a remedy for injuries. Expanding sovereign immunity to **private companies** can be seen as further restricting that remedy.
- **How SB 916 contributes:**
 - By **removing or limiting claims against private contractors and subs**, SB 916 narrows judicial remedies that would otherwise exist under common law negligence.
- **Litigation risk:**
 - This kind of immunity extension has historically been contentious. While courts have upheld sovereign immunity in many contexts, extending it to non-government actors could invite challenges arguing that the legislature is unreasonably closing the courthouse doors for a special class of defendants.

Equal protection / special privileges (Art. I, § 2; Art. III, § 40 concerns)

- SB 916 creates a **special class**: “private contractors and subcontractors... with the Missouri department of transportation” get sovereign immunity that ordinary businesses do not.
- This preferential treatment may raise questions about:
 - Equal protection (why these contractors get special protection that other businesses do not).
 - “Special law” concerns (favoring particular interests) even though the class is defined broadly (any MoDOT contractor).

Conclusion on rights:

- While not clearly unconstitutional on its face, SB 916 **pushes the boundaries** of sovereign immunity by insulating private entities, raising serious questions about open courts, equal treatment, and special legal privileges.

3.3 Delegation & Unelected Power

- SB 916 doesn’t create new agencies, but it **ties immunity to MoDOT’s internal decisions**:
 - Immunity attaches when MoDOT issues “official notice to proceed” and continues after MoDOT “formally accepts” the project.
- Practical effect:

- The **scope of immunity** for private contractors is effectively governed by MoDOT’s administrative acts and its own plan/spec approvals, not by case-by-case public scrutiny or court standards.
 - That means unelected bureaucrats’ actions (plan approvals, notices, acceptances) **trigger or extend special legal shields** for private entities.
-

PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic, Tax, and Liability Impacts

- **Direct household budgets:**
 - There’s no explicit tax or fee in the bill. But when families are injured by negligent construction, **lost access to legal recourse is a real economic hit**—medical bills, lost wages, property damage, etc., with fewer options for compensation.
- **Shift of costs and risks:**
 - If contractors are immune, injured parties may:
 - Be forced to sue MoDOT under limited waivers (if the facts fit),
 - Or bear the costs themselves if no waiver applies,
 - Or see more of the payout burden fall on taxpayers through state liability instead of contractor insurance.
- **Incentives:**
 - When contractors know they are shielded from many lawsuits as long as they follow MoDOT plans, their **financial incentive to exceed minimum standards or quickly fix hazards decreases**. That can lead to more risk for the public over time.

4.2 Freedom, Parental Rights, and Education

- SB 916 does **not directly address** parental rights, schools, or homeschoolers.
- Indirectly, if a child is injured due to negligent road work or an unsafe construction zone, their family’s ability to obtain justice and pay for care is reduced. That affects **family stability and long-term well-being**, but this is a secondary effect.

Net effect on parental rights and family freedom:

- **Not directly implicated**, but the reduced ability to protect loved ones via the legal system is a negative background factor.

4.3 Moral & Cultural Climate

- SB 916 does not touch issues like abortion, gender ideology, or explicit moral content.
- However, it **promotes a culture where powerful entities (government and its chosen contractors) are shielded from accountability**, which is contrary to a biblical and constitutional view of justice where those who cause harm should be held responsible.

Net impact on Missouri families:

- **Hurts** – By expanding immunity to private contractors, SB 916 makes it harder for ordinary Missourians to obtain justice when harmed, shifts risk toward families and taxpayers, and reinforces a two-tier system where government-favored entities receive special legal protections.

PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

- **100% Pro-Life**
 - **Not Implicated** – No direct relation to abortion, unborn children, or medical issues.
- **Christian & Biblical Values / Justice**
 - **Undermines** – Scripture repeatedly emphasizes that rulers and judges should not show partiality or give special treatment to the powerful. Extending sovereign immunity to private contractors is a form of **legal favoritism** that makes it harder for the injured to obtain justice.
- **Property Taxes & Economic Freedom**
 - **Mixed** – No direct property-tax changes. But weakened tort remedies mean families may bear more financial burdens after injuries or property damage caused by road projects, which **undercuts economic security**.
- **Literal / Original-Intent Constitutionalism**
 - **Undermines** – The bill pushes sovereign immunity beyond its original purpose by granting it to non-government actors, raising concerns under open courts and equal protection principles, and tilting the system toward state-protected insiders.
- **Right to Bear Arms**
 - **Not Implicated** – No reference to firearms.
- **State Sovereignty & Tenth Amendment**
 - **Not Implicated** – This is a state-level tort-immunity bill, not a federal-control issue.
- **Nuclear Family & Parental Rights**

- **Mixed / Slightly Undermines** – Not direct, but making it harder for families to recover damages for injuries (including injuries to children) **weakens their ability to care for and protect their families** after serious accidents.
- **Homeschool Protection**
 - **Not Implicated.**
- **Currency & Financial Control (CBDC, FedNow, etc.)**
 - **Not Implicated.**
- **Election Integrity**
 - **Not Implicated.**
- **Government Transparency**
 - **Undermines (indirectly)** – When both public entities and their private partners are shielded from suit, **fewer facts come to light in open court** and there is less discovery and public accountability for how projects are designed and managed.

PART 6 – SPECIAL TOPIC TESTS (2025 PRIORITIES)

6.1 Amendment 3 / Personhood & Equal Protection

- **Not implicated** – No abortion or “reproductive freedom” language.

6.2 Surveillance, Digital-ID, and Data-Hub Test

- **Not implicated** – No data systems, IDs, cameras, or monitoring expansions.

6.3 Utilities, Energy Policy, Data Centers / Big-User Test

- **Not directly implicated** – This is about MoDOT projects, not utility tariffs or data-center incentives.

6.4 Federal Money & Strings

- **Not explicit** – SB 916 does not mention federal funding, though MoDOT projects often have federal components; nothing in the bill conditions immunity on federal standards or money.

6.5 Model-Legislation / Globalism Indicators

- **Not clearly implicated** – No Agenda 21/2030 language, ESG/DEI buzzwords, or obvious model-bill phrasing.

PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION

7.1 Red-Flag List

1. Red Flag #1 – Expansion of Sovereign Immunity to Private Contractors

- **Location:** § 537.600.4, lines 47–52.
- **Why:** Grants government-style immunity (and damage caps) to private contractors and subcontractors on MoDOT projects, weakening accountability and judicial remedies for injured citizens.

2. Red Flag #2 – Two-Tier Justice System / Special Privileges

- **Location:** § 537.600.4 (same).
- **Why:** Creates a special protected class of businesses (MoDOT contractors) who receive legal shields that other Missouri businesses do not, raising equal-protection and special-law concerns.

3. Red Flag #3 – Long-Tail Immunity Beyond Project Completion

- **Location:** § 537.600.4, lines 55–58 (“shall continue after... accepts the completed project”).
- **Why:** Extends immunity into the future, even after MoDOT accepts the project, meaning defects that surface later may be harder to remedy through lawsuits against the responsible contractor.

4. Red Flag #4 – Bureaucratic Trigger for Immunity

- **Location:** § 537.600.4, lines 47–49, 55–57.
- **Why:** The attachment and duration of immunity are triggered by MoDOT administrative decisions (notice to proceed; formal acceptance), enhancing the power of unelected officials and reducing public leverage.

7.2 Possible Fixes / Amendments

If legislators were determined to move in this direction, at a minimum:

- **This is a bad piece of legislation, and the whole idea should be disregarded. No fixing this one.**

7.3 Final Recommendation

- **Recommended stance: Oppose**

SB 916 keeps the sovereign-immunity framework for public entities but **extends that powerful shield to private contractors and subcontractors working with MoDOT**, beginning at notice to proceed and continuing after project completion.

This change does not restrain government; it **expands government-style protection to favored private partners**, limiting the remedies available to Missouri families when they are injured by

negligent road work or construction defects. From a Christian, constitutional, and limited-government perspective that opposes special privileges for insiders and values equal justice, Act for Missouri strongly **opposes** SB 916.