Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - MISSOURI

Zang v. City of St. Charles

Supreme Court of Missouri, en banc - January 31, 2023 - S.W.3d - 2023 WL 1384032

Bicyclist injured after falling on open-grated bridge filed suit against defendants including city, alleging claims including premises liability.

The Circuit Court granted city's motion to dismiss premises liability claim for failure to provide required notice of suit. Bicyclist appealed.

On transfer from the Court of Appeals, the Supreme Court, en banc, held that:

- Statute imposing notice requirement for municipalities larger than city did not preempt notice requirement;
- Statute waiving sovereign immunity for injuries caused by the condition of a public entity's property did not preempt notice requirement;
- There was no field preemption of notice requirement;
- Statute of limitations did not preempt notice requirement; and
- Statute declining to impose notice requirement for premises liability claims on all negligence claims did not preempt notice requirement.

Statute imposing a notice requirement for personal injury actions against cities of at least a certain population did not prohibit city, which had a population below such threshold, from enacting its own statutory notice requirement, and thus statute did not preempt notice requirement in city's charter that barred premises liability claim brought against city by bicyclist injured when he fell on open-grated metal bridge, even though statute limited statutory waiver of sovereign immunity for injuries caused by condition of a public entity's property; statute's language and population requirement were clear, unambiguous, and entirely inapplicable to city, and nothing in the statute indicated that legislature intended it to apply to cities that did not meet the population requirement.

Provision of city charter requiring notice to city in order to maintain personal injury action against city did not prohibit anything permitted by statute waiving sovereign immunity for injuries caused by the condition of a public entity's property, and thus statute did not preempt charter's notice requirement, which barred premises liability claim brought without notice against city by bicyclist injured when he fell while crossing open-grated metal bridge.

Legislature evinced no intent to occupy the legislative field by preventing constitutional charter cities with populations below a certain threshold from creating notice requirements for actions against such cities, and thus there was no field preemption of notice requirement in city's charter that barred premises liability claim brought against city by injured bicyclist, even though legislature enacted statutes waiving sovereign immunity for injuries caused by the condition of a public entity's property and imposing a notice requirement for cities above the population threshold; although statutes imposing notice requirements covered the majority of cities in the state, legislature did not express an intention to limit notice requirements to those cities, as it could have done.

Provision of city charter requiring 90 days' notice to city in order to maintain personal injury action against city did not irreconcilably conflict with applicable five-year statute of limitations, and thus statute of limitations did not preempt notice requirement that barred premises liability claim brought against city by bicyclist injured in fall on open-grated metal bridge, despite bicyclist's argument that both provision and statute created time restrictions for action; although notice requirement might have restricted who was eligible to bring suit against city, it did not change what type of suits could be brought against city or how long a claimant had under the statute of limitations, which functioned independently of the notice requirement and served a different purpose.

Provision of city charter requiring notice to city in order to maintain personal injury action growing out of any negligence of the city did not irreconcilably conflict with statute that declined to impose on certain negligence claims the notice requirement that state law imposed on premises liability claims, and thus statute did not preempt notice requirement in city's charter that barred premises liability claim brought against city by bicyclist injured while crossing open-grated metal bridge; statute did not permit what the charter provision prohibited and did not contain any indication of an intent by the legislature to occupy the legislative field.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com