

By Mr. Davoren of Milford, petition of the Massachusetts State Employees Association for indemnification and protection of certain state officers and employees in certain actions arising out of the operation of state-owned vehicles. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT PROVIDING FOR INDEMNIFICATION AND PROTECTION OF CERTAIN STATE OFFICERS AND EMPLOYEES IN CONNECTION WITH CERTAIN ACTIONS ARISING OUT OF THE OPERATION OF STATE-OWNED VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The first paragraph of section 3B of chap-
2 ter 12 of the General Laws, as appearing in chapter 544
3 of the acts of 1953, is hereby further amended by striking
4 out the word "five" in line 27 and inserting in place
5 thereof the word "ten", and by striking out, in line 28,
6 the word "one" and inserting in place thereof the word
7 "five", so as to read as follows: — Upon the filing with
8 the attorney general of a written request of any officer
9 or employee of the commonwealth or of the metropolitan
10 district commission that the attorney general defend him
11 against an action for damages for bodily injuries, in-
12 cluding death at any time resulting therefrom, or for
13 damage to property, arising out of the operation of a
14 motor or other vehicle owned by the commonwealth,
15 including one under the control of said commission,
16 wherein such officer or employee consents to be bound by
17 any decision that the attorney general may make in
18 connection with the trial or settlement of such action,
19 the attorney general shall, if after investigation it ap-

20 pears to him that such officer or employee was at the
21 time the cause of action arose acting within the scope
22 of his official duties or employment, or was especially
23 assigned by his superior to operate such motor vehicle,
24 and certification of such special assignment is made by
25 his superior and the head of the department or institu-
26 tion to which such state-owned vehicle is assigned, take
27 over the management and defence of such action. The
28 attorney general may adjust or settle any such action
29 at any time before, during or after trial, if he finds after
30 investigation that the plaintiff is entitled to damages
31 from such officer or employee, and in such case there
32 shall be paid from the state treasury for settlement in
33 full of such action from such appropriation as may be
34 made by the general court for the purposes of this
35 section such sum, not exceeding ten thousand dollars on
36 account of injury to or death of one person, and not
37 exceeding five thousand dollars on account of damage to
38 property, as the attorney general shall determine to be
39 just and reasonable and as the governor and council
40 shall approve.

1 SECTION 2. Section 3D of chapter 12 of the General
2 Laws, as appearing in chapter 326 of the acts of 1954,
3 is hereby amended by striking out the word "five" in
4 line 20 and inserting in place thereof the word:—ten,
5 — so as to read as follows:—*Section 3D.* Upon the
6 filing with the attorney general of a written request by
7 any officer or employee of the department of mental
8 health or public health that the attorney general defend
9 him against an action for damages for bodily injuries or
10 infections, physical or mental agony or pain, death of
11 any person, or any damage to property of another on
12 the hospital grounds, arising out of the operation of said
13 department of mental health or public health, the at-
14 torney general shall, if after investigation it appears to
15 him that such officer or employee was at the time the
16 cause of action arose acting within the scope of his
17 official duties or employment, take over the management

18 and defence of such action. The attorney general may
19 adjust or settle any such action at any time before,
20 during or after trial, if he finds after investigation that
21 the plaintiff is entitled to damages from such officer or
22 employee, and in such case there shall be paid from the
23 state treasury for settlement in full of such action, from
24 such appropriation as may be made by the general court
25 for the purposes of this section, such sum, not exceeding
26 ten thousand dollars on account of injury to or death
27 of one person, and not exceeding five thousand dollars
28 on account of damage to property, as the attorney gen-
29 eral shall determine to be just and reasonable and as the
30 governor and council shall approve. If an execution
31 issued on a final judgment in such an action is presented
32 to the state treasurer by an officer qualified to serve
33 civil process, and if there is also presented to or on file
34 with said state treasurer a certificate of the attorney
35 general certifying that said execution was issued on a
36 judgment in an action in which he appeared for and
37 defended the defendant in accordance with the provisions
38 of this section, there shall be paid from the state treasury
39 from the appropriation above referred to the amount
40 of the execution, including costs and interest, up to but
41 not in excess of the respective limits hereinabove set
42 forth.

