

# SENATE . . . . No. 19

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To accompany the petition of the Massachusetts State Engineers' Association, Inc., by George A. Montague, president, and another, that the Commonwealth and certain political subdivisions thereof be authorized to indemnify employees for damages sustained on account of the operation of certain publicly-owned motor vehicles. State Administration.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act authorizing the Commonwealth and Certain Political Subdivisions thereof to indemnify Employees for Damages sustained on Account of the Operation of Certain Publicly-Owned Motor 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. Chapter twelve of the General Laws  
2 is hereby amended by inserting after section three A,  
3 inserted by chapter three hundred and ninety-five of  
4 the acts of nineteen hundred and twenty-four, the  
5 following new section: —

6 *Section 3B.* The attorney general shall, upon re-  
7 quest of any employee of the commonwealth or of  
8 the metropolitan district commission, appear and de-  
9 fend such employee against any action brought on a  
10 claim for damages against him on account of the  
11 operation within the scope of his employment of a

12 motor vehicle owned by the commonwealth or any  
13 metropolitan district under said commission. The  
14 attorney general shall, with the consent of the em-  
15 ployee, adjust or settle before or after trial any such  
16 claim or action thereon, if he finds after investigation  
17 that the claimant is justly entitled to damages.  
18 There shall be paid from the state treasury for the  
19 settlement in full of any such claim or toward the  
20 payment of any judgment secured in any such action  
21 thereon, from such appropriation as may be made  
22 by the general court for the purposes of this section,  
23 such sum not exceeding five thousand dollars on  
24 account of the injury to or death of any one person,  
25 or, subject to such limits as respects injury to or  
26 death of one person, such sums not exceeding ten  
27 thousand dollars on account of any one accident re-  
28 sulting in injury to or death of more than one per-  
29 son, as the attorney general shall determine to be  
30 just and reasonable and as the governor and council  
31 shall approve.

1 SECTION 2. Chapter forty-one of the General  
2 Laws is hereby amended by inserting after section  
3 one hundred the following new section: —

4 *Section 100A.* A city or town may indemnify any  
5 employee for expenses, legal or otherwise, or for  
6 damages incurred by him in the defense or settlement  
7 of an action brought against him on account of the  
8 operation, within the scope of his employment, of a  
9 motor vehicle owned by such city or town and em-  
10 ployed in a municipal enterprise not conducted for  
11 gain or profit, to an amount not to exceed five thou-  
12 sand dollars on account of the injury to or death of  
13 any one person, or, subject to such limits as respects

14 injury or death to any one person, to an amount not  
15 to exceed ten thousand dollars on account of any one  
16 accident resulting in the injury to or death of more  
17 than one person. City or town employees shall,  
18 upon request in writing, be entitled to be represented  
19 in the settlement or trial of any such action by the  
20 city or town solicitor, otherwise such city or town  
21 shall indemnify such employee for legal expenses in-  
22 curred in defending any such action.

1 SECTION 3. This act shall take effect on Decem-  
2 ber first of the current year.

