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By Mr. Davoren of Milford, petition of the Mass. State Council, American Federation of State, County & Municipal Employees AFL-CIO, for indemnification of state officers and employees in connection with certain actions arising out of the operation of state-owned vehicles. Public Service.

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## The Commonwealth of Massachusetts

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

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 chapter 12  
2 of the General Laws, as appearing in chapter 544 of the acts  
3 of 1953, is hereby further amended by striking out the word  
4 "five" in line 27 and inserting in place thereof the word:—  
5 ten, — and by striking out, in line 28, the word "one" and  
6 inserting in place thereof the word:— five, — so as to read  
7 as follows:— Upon the filing with the attorney general of a  
8 written request of any officer or employee of the common-  
9 wealth or of the metropolitan district commission that the  
10 attorney general defend him against an action for damages  
11 for bodily injuries, including death at any time resulting there-  
12 from, or for damage to property, arising out of the operation  
13 of a motor or other vehicle owned by the commonwealth,  
14 including one under the control of said commission, wherein  
15 such officer or employee consents to be bound by any deci-  
16 sion that the attorney general may make in connection with

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

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

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

10 that investigation that the plaintiff is entitled to damages  
 20 from such officer or employee, and in such case there shall be  
 30 paid from the state treasury for satisfaction in full of such  
 40 action, damages appropriate as may be made by the jury,  
 50 and court for the purpose of this section, such court shall  
 60 receive ten thousand dollars amount of injury to be paid  
 70 of one person, and not exceeding ten thousand dollars on  
 80 amount of damage to property as the attorney general shall  
 90 determine to be just and reasonable and as the court and  
 100 justice shall determine. If an execution issued on a final judg-  
 110 ment or such an order is presented to the state treasury  
 120 an officer qualified to serve civil process, and if there is also  
 130 presented to or on his part said state treasurer a certificate  
 140 of the attorney general certifying that such execution was  
 150 issued on a judgment or an order in whole or in part for  
 160 and obtained the defendant in accordance with the provisions  
 170 of this section, there shall be paid from the state treasury from  
 180 the appropriation above referred to the amount of the ex-  
 190 ecution, including costs and interest, up to but not in excess of  
 200 the respective limits hereinbefore set forth.

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