

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Four.

AN ACT INCREASING THE AMOUNT OF INDEMNIFICATION FOR OFFICERS OR EMPLOYEES FOR DAMAGES INCURRED ON ACCOUNT OF INJURIES ARISING OUT OF THEIR OPERATION OF MUNICIPALLY OWNED VEHICLES OR VESSELS.

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

1 Chapter 41 of the General Laws is hereby amended by insert-
2 ing after section 100C the following section:—

3 *Section 100D.* A city which accepts this section by vote of
4 its city council subject to the provisions of its charter, or a
5 town which accepts the same by vote of its inhabitants at an
6 annual town meeting, may, after an appropriation has been
7 made therefor, indemnify an officer or employee thereof for
8 expenses or damages incurred by him in the defence or settle-
9 ment of a claim against him for bodily injuries, including death
10 at any time resulting therefrom, or for damage to property,
11 arising out of the operation of a motor or other vehicle or
12 vessel owned by such city or town, to an amount not exceed-
13 ing forty thousand dollars on account of injury to or death
14 of one person, or not exceeding seventy-five thousand dollars
15 for any one accident, and not exceeding five thousand dollars
16 on account of damage to property; provided, that after inves-
17 tigation it shall appear to the mayor or selectmen that such
18 officer or employee was at the time the claim arose acting
19 within the scope of his official duties or employment, and pro-
20 vided, further, that the defence or settlement of such claim
21 shall have been made by the city solicitor or the town counsel,
22 or, if the town has no town counsel, by an attorney employed
23 for the purpose by the selectmen, upon the request of said officer
24 or employee and at the direction of the mayor or selectmen.
25 This section shall not apply in respect to so much of a claim
26 against an officer or employee as is covered by a policy of
27 insurance effected by the city or town under clause (1) of sec-
28 tion five of chapter forty.