

Accompanying the second recommendation of the Executive Office of Transportation and Construction (House, No. 312).
Transportation.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING A CLAIMS AND INDEMNITY PROCEDURE FOR THE REGIONAL TRANSIT AUTHORITIES.

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. Section 1 of chapter 258 of the General Laws,
2 as appearing in the 1986 Official Edition, is hereby amended by
3 striking out, in lines 30 through 43, the definition of "Public
4 employer" and inserting in place thereof the following
5 definition: —
6 "Public employer", the commonwealth and any county, city,
7 town, educational collaborative, or district, including any public
8 health district or joint district or regional health board established
9 pursuant to the provisions of section twenty-seven A or twenty-
10 seven B of chapter one hundred and eleven, any regional transit
11 authority established pursuant to the provision of Chapter 161B
12 and, notwithstanding any other provisions of this section, any
13 company providing mass transportation service under contract to
14 a regional transit authority during the course of fulfilling its
15 obligations to said authority in providing transportation services
16 and operating equipment or mass transportation facilities owned
17 or leased by the regional transit authority, and any department,
18 office, commission, committee, council, board, division, bureau,
19 institution, agency or authority thereof, which exercises direction
20 and control over the public employee, but not a private contractor
21 with any such public employer, the Massachusetts Bay
22 Transportation Authority, the Massachusetts Port Authority, the

23 Massachusetts Turnpike Authority, or any other independent
24 body politic and corporate. With respect to public employees of
25 a school committee of a city or town, the public employer for the
26 purposes of this chapter shall be deemed to be said respective city
27 or town.

1 SECTION 2. Section 1 of said chapter 258 of the General
2 Laws, as appearing in the 1986 Official Edition, is hereby amended
3 by striking out, in lines 15 through 25, the definition of "Public
4 attorney" and inserting in place thereof the following defini-
5 tion: —

6 "Public attorney", the attorney who shall defend all civil actions
7 brought against a public employer pursuant to this chapter. In
8 the case of the commonwealth he shall be the attorney general;
9 in the case of any county he shall be the district attorney as
10 designated in sections twelve and thirteen of chapter twelve; in
11 the case of a city or town he shall be the city solicitor or town
12 counsel, or, if the town has no such Counsel, an attorney employed
13 for the purpose by the selectmen; in the case of a district he shall
14 be an attorney legally employed by the district for that purpose;
15 in the case of a regional transit authority he shall be the general
16 counsel or, if the authority has no such counsel, an attorney
17 employed for the purpose by the administrator and approved by
18 the advisory board. A public attorney may also be an attorney
19 furnished by an insurer obligated under the terms of a policy of
20 insurance to defend the public employer against claims brought
21 pursuant thereto.