

By Mr. Businger of Brookline, petition of John A. Businger for legislation to establish limited liability of the Commonwealth and its political subdivisions in actions of tort. The Judiciary.

*The Commonwealth of Massachusetts*

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT ESTABLISHING LIMITED LIABILITY OF THE COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS IN ACTIONS OF TORT.

*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 34 of the General Laws is hereby  
2 amended by inserting after section 1 thereof the following:—

3 *Section 1A.* The counties shall be liable in an action at law  
4 for the torts of their officers, whether elected or appointed, and  
5 their employees committed within the scope of their official  
6 duties or employment. Liability under this section shall be  
7 limited to twenty-five thousand dollars for any plaintiff in such  
8 action.

1 SECTION 2. Chapter 40 of the General Laws is hereby  
2 amended by inserting after section 1A thereof the following  
3 section:—

4 *Section 1B.* Cities and towns shall be liable in an action at  
5 law for the torts of their officers, whether elected or appointed,  
6 and their employees committed with the scope of their official  
7 duties or employment. Liability under this section shall be  
8 limited to twenty-five thousand dollars for any plaintiff in such  
9 action.

1 SECTION 3. Section 1 of chapter 258 of the General Laws is  
2 hereby amended by adding at the end thereof the following  
3 paragraph:—

4 The commonwealth shall be liable in an action at law which  
5 may be commenced in the district courts or the superior court

6 for the torts of its officers, whether elected or appointed, and its  
7 employees committed within the scope of thier official duties or  
8 employment, and any judgment entered against the com-  
9 monwealth in such an action shall be paid in the manner  
10 provided by section three of this chapter. Liability under this  
11 section shall be limited to twenty-five thousand dollars for any  
12 plaintiff in such action.

1 SECTION 4. Chapter 258 of the General Laws is hereby  
2 amended by striking out section 3, as most recently amended by  
3 chapter 518 of the acts of 1951, and inserting in place thereof the  
4 following section:—

5 *Section 3.* If final judgment or final decree is entered in favor  
6 of the petitioners, plaintiff or parties other than the com-  
7 monwealth, the clerk of the court where such judgment or  
8 decree is entered, shall within seven days after the final  
9 disposition of the case, transmit a certified copy of the docket  
10 entries and a certificate of such judgment or entry of such decree  
11 showing the amount due from the commonwealth, to the  
12 comptroller who shall notify the governor, who shall draw his  
13 warrant for such amount on the state treasurer, who shall pay  
14 the same from any appropriation made for this purpose by the  
15 General Court.

1 SECTION 5. This act shall not be effective until two years  
2 after its day of passage.