

2013 -- H 5765

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - GOVERNMENTAL TORT
LIABILITY

Introduced By: Representatives Marcello, Nunes, Newberry, and Hearn

Date Introduced: February 28, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-31-3 of the General Laws in Chapter 9-31 entitled "Governmental
2 Tort Liability" is hereby amended to read as follows:

3 **9-31-3. Limitation of damages -- Cities, towns, and fire districts. --** In any tort action
4 against any city or town or any fire district, any damages recovered therein shall not exceed the
5 sum of ~~one hundred thousand dollars (\$100,000)~~ two hundred fifty thousand dollars (\$250,000);
6 provided, however, that in all instances in which the city or town or fire district was engaged in a
7 proprietary function in the commission of the tort, the limitation of damages set forth in this
8 section shall not apply; and provided further, that any employee or official of said entities shall
9 not be sued in his or her personal or individual capacity except upon a showing, by clear and
10 convincing evidence, that the act or omission was not within the scope of employment, or the act
11 or omission was because of actual fraud, actual misconduct, or actual malice.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would raise the threshold for damages against a city, town, or fire district from
2 one hundred thousand dollars (\$100,000) to two hundred fifty thousand dollars (\$250,000) and
3 further would allow said employees to be sued only under certain conditions.

4 This act would take effect upon passage.

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