

CHAPTER 183—H. F. No. 443

[Coded as Section 471.86]

An act to require governmental subdivisions to furnish legal counsel to defend firemen and pay expenses in actions for damages and injuries to person or property arising out of the performance of official duties, and authorizing the payment of judgments rendered in such actions against such firemen.

Be it enacted by the Legislature of the State of Minnesota:

[471.86] **Governmental subdivisions, protection of firemen from loss arising from operation of motor vehicles.** [Subdivision 1] **Section 1. Legal counsel, employment.** Every city, village, township, or other governmental subdivision of the state shall furnish legal counsel for any fireman employed by it upon his written request in all actions brought against such fireman to recover damages for injury to person or property, or for wrongful death, when such action arose out of the operation of a motor vehicle by such fireman in the performance of his official duties, and pay the expenses of defending such suit, including witness and reasonable counsel fees, notwithstanding any contrary provision in the law or in the charter of any such governmental subdivision.

[Subd. 2.] **Judgment, payment authorized.** Sec. 2. If judgment is rendered in favor of the fireman, costs and disbursements included therein shall be assigned to such governmental subdivision by him, and all money collected thereon shall be paid to it. If judgment is rendered against the fireman, such governmental subdivision is authorized, in its discretion, to appropriate money from any funds available to pay such judgment.

[Subd. 3.] **Application of Section.** Sec. 3. The obligation of this act shall not apply in any case where such fireman is fully indemnified against claims for such damages and for such expenses by contract with another, and this act shall not be construed to waive any existing immunity accorded by law to municipalities or governmental subdivisions from claims for damages sustained as the result of the negligence of its officers, agents or servants in the exercise or performance of governmental or public functions.

Approved March 29, 1951.