

CHAPTER 466

TORT LIABILITY, POLITICAL SUBDIVISIONS

466.01 Definitions.
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466.01 DEFINITIONS.

Subdivision 1. **Municipality.** For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, public library, regional public library system, multicounty multitype library system, or other political subdivision.

[For text of subd 2, see M.S.1982]

Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 115B.02.

History: 1983 c 121 s 27; 1983 c 280 s 2

466.03 EXCEPTIONS.

[For text of subs 1 to 6a, see M.S.1982]

Subd. 6b. **Unimproved property.** Any claim based upon the condition of unimproved real property owned by the municipality.

[For text of subd 7, see M.S.1982]

History: 1983 c 362 s 1

466.04 MAXIMUM LIABILITY.

Subdivision 1. **Limits; punitive damages.** Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$200,000 when the claim is one for death by wrongful act or omission and \$200,000 to any claimant in any other case;

(b) \$600,000 for any number of claims arising out of a single occurrence;

(c) Twice the limits provided in clauses (a) and (b), but not less than \$300,000 per claim, when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 115B.01 to 115B.15 or under any other law.

No award for damages on any such claim shall include punitive damages.

[For text of subs 1a to 2, see M.S.1982]

Subd. 3. **Disposition of multiple claims.** Where the amount awarded to or settled upon multiple claimants exceeds \$600,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the

proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

History: 1983 c 121 s 28; 1983 c 331 s 2,3

NOTE: The amendment to subdivision 1 by Laws 1983, chapter 331, section 2, is effective August 1, 1984. See Laws 1983, chapter 331, section 12.

NOTE: The amendment to subdivision 3 by Laws 1983, chapter 331, section 3, is effective August 1, 1984. See Laws 1983, chapter 331, section 12.

466.06 LIABILITY INSURANCE.

The governing body of any municipality may procure insurance against liability of the municipality and its officers, employees, and agents for damages resulting from its torts and those of its officers, employees, and agents, including torts specified in section 466.03 for which the municipality is immune from liability. The insurance may provide protection in excess of the limit of liability imposed by section 466.04. If the municipality has the authority to levy taxes, the premium costs for such insurance may be levied in excess of any per capita or millage tax limitation imposed by statute or charter. Any independent board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly procure liability insurance with respect to the field of its operation. The procurement of such insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the municipality beyond the coverage so provided.

History: 1983 c 314 art 6 s 30