

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 259

Approved May 11, 2001

CITY OF PROVIDENCE  
CITY CLERK  
MAY 11 2001

RESOLVED, That the Members of the Providence City Council hereby endorse and urge Passage by the General Assembly of House Bill 2001-H 5827 Relating to Civil Procedure- Governmental Tort Liability, in substantially the form attached.

IN CITY COUNCIL  
MAY 10, 2001  
READ AND PASSED

*Robert Young*  
PRES. Acting  
*Michael S. Clement*  
CLERK

APPROVED

MAY 11 2001  
*Antonio Caproni*  
MAYOR

IN CITY COUNCIL

READ AND PASSED

BY

CLERK

IN CITY COUNCIL  
APR 5 2001  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION

*Michael R. Clement* CLERK  
137

THE COMMITTEE ON

*State Legislation*  
Recommends Approval

*Craig Betturich*  
Clerk

*May 2, 2001*

*Councilman Allen (By request)*

LC01068

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

01-H 5827

JANUARY SESSION, A.D. 2001

A N A C T

RELATING TO CIVIL PROCEDURE -- GOVERNMENTAL TORT LIABILITY

2001-H 5827

Introduced By: Reps. Fox, Slater, Costantino  
and Ajello

Date Introduced: February 6, 2001

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 9-31-12 of the General Laws in Chapter 9-31 entitled  
2 "Governmental Tort Liability" is hereby amended to read as follows:  
3 9-31-12. Indemnification -- Reservation of obligation -- Certification -- (a) The state  
4 and any political subdivision thereof, including all cities and towns, reserves the right to  
5 determine whether or not it will indemnify any employees defended pursuant to sections 9-31-8 -  
6 - 9-31-11, if a judgment is rendered against the employee.  
7 (b) Upon certification by the court in which the tort action against a state employee or an  
8 employee of any political subdivision of the state including all cities and towns is pending that (1)  
9 the defendant employee was acting within the scope of his or her office or employment when the  
10 claim arose, and (2) the claim does not arise out of actual fraud, willful misconduct, or actual  
11 malice by the employee, any civil action or proceeding commenced upon the claim under this  
12 statute shall be deemed to be an action or proceeding brought against the state or any political  
13 subdivision of the state, including all cities and towns under the provisions of this title and all  
14 references thereto, and the state or any political subdivision of the state, including all cities and  
15 towns shall be substituted as the party defendant.

# 01-H 5827

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

LC01068

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CIVIL PROCEDURE -- GOVERNMENTAL TORT LIABILITY

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1 This act would allow cities and towns to decide, as the state does, whether or not to  
2 indemnify an employee who is the subject of a law suit for an action which may or may not be in  
3 the line of duty.

4 This act would take effect upon passage.