

The NH Health Officers Association offers the following sample motion. It will assure that your employees are covered by the latest changes in liability changes.

Suggested wording for a motion for a town's Select Board to update liability coverage by adopting the state's liability changes which protect municipal employees. The effected chapters are RSA 31:104-1 ; RSA 31:105-1; and 31:106-1 included for reference below. The dash (1) is to implement the cut-in date of January 1, 2011. The recording of the vote in the Select Board's minutes will assure the town's inclusion in this protection for your workers (and yourselves).

Welfare workers where added in 2009 and Health officers in 2010. Unless adopted these positions will not be covered.

"It is hereby moved (and seconded) that the town of \_\_\_\_\_ adopts NH RSA 31: 104-1, 31-105-1 and 31-106-1. "

Law text as of (4/25/2011) state web site.

CHAPTER 31  
POWERS AND DUTIES OF TOWNS

Liability for Damages Limited, Indemnification, Insurance

Section 31:104

[RSA 31:104 effective January 1, 2011; see also RSA 31:104 set out above.]

31:104 Liability of Municipal Executives. –

Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision, no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a



statute or charter, and no chief executive officer of such municipal corporation or political subdivision, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, regional planning commissioners, town and city health officers, overseers of public welfare, and school superintendents shall be held liable for civil damages for any vote, resolution, or decision made by said person acting in his or her official capacity in good faith and within the scope of his or her authority.

Source. 1973, 595:1. 1991, 72:1, eff. July 12, 1991. 2008, 96:1, eff. Jan. 1, 2009. 2010, 214:1, eff. Jan. 1, 2011.

#### Section 31:105

[RSA 31:105 effective January 1, 2011; see also RSA 31:105 set out above.]

##### 31:105 Indemnification for Damages. –

A city, town, county, village district or precinct, school district, chartered public school, school administrative unit, or any other municipal corporation or political subdivision may by a vote of the governing body indemnify and save harmless for loss or damage occurring after said vote any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, regional planning commissioners, town and city health officers, overseers of public welfare, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage, or destruction was acting in the scope of employment or office.

Source. 1973, 595:1. 1991, 72:2. 1995, 260:2, eff. July 1, 1995. 2008, 354:1, eff. Sept. 5, 2008. 2010, 214:2, eff. Jan. 1, 2011.

#### Section 31:106

[RSA 31:106 effective January 1, 2011; see also RSA 31:106 set out above.]

##### 31:106 Indemnification; Civil Rights Suits. –

All cities, towns, counties, village districts and precincts, school districts, chartered public schools, school administrative units, and other municipal corporations and political subdivisions shall indemnify and save harmless any person employed by it and any member or officer of its governing board, administrative staff, or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, regional planning commissioners, town and city health officials, overseers of public welfare, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or student, or any other person under any federal law if such act or omission was not committed



with malice, and if the indemnified person at the time of such act or omission was acting within the scope of employment or office.  
Source. 1973, 595:1. 1991, 72:3. 1995, 260:3, eff. July 1, 1995. 2008, 354:1, eff. Sept. 5, 2008. 2010, 214:3, eff. Jan. 1, 2011.

