

2018 -- H 8097

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

Introduced By: Representatives Morin, Phillips, Messier, Abney, and Carson

Date Introduced: April 13, 2018

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

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

3 **9-31-2. Limitations of damages -- State.**

4 In any tort action against the state of Rhode Island or any political subdivision thereof,
5 any damages recovered therein shall not exceed the sum of one hundred thousand dollars
6 (\$100,000); ~~provided, however, that in all instances in which the state was engaged in a~~
7 ~~proprietary function in the commission of the tort, or in any situation whereby the state has~~
8 ~~agreed to indemnify the federal government or any agency thereof for any tort liability, the~~
9 ~~limitation on damages set forth in this section shall not apply.~~ provided, that the state of Rhode
10 Island shall not be subject to the provisions of § 9-21-10.

11 **9-31-3. Limitation of damages -- Cities, towns, and fire districts.**

12 In any tort action against any city or town or any fire district, any damages recovered
13 therein shall not exceed the sum of one hundred thousand dollars (\$100,000); ~~provided, however,~~
14 ~~that in all instances in which the city or town or fire district was engaged in a proprietary function~~
15 ~~in the commission of the tort, the limitation of damages set forth in this section shall not apply.~~
16 provided, that no city or town or fire district shall be subject to the provisions of § 9-21-10.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

1 This act would remove the exception to the one hundred thousand dollar (\$100,000)
2 limitation of damages when the state is engaged in a proprietary function in the commission of a
3 tort and would exempt the state and any city or town or fire district from interest awards in civil
4 actions.

5 This act would take effect upon passage.

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