

contains any written statement that is false or fraudulent, issues, circulates, publishes, or distributes the same, or shall cause the same to be issued, circulated, published, or distributed, shall be guilty of a gross misdemeanor.

Sec. 18. **[83.18] Misdemeanor and penalties.** The following acts are misdemeanors:

(a) The willful violation or failure to comply with any of the provisions of sections 1 to 16;

(b) The willful violation, failure, omission, or neglect to obey, observe, or comply with any order, permit, decision, demand, or requirement of the commissioner;

(c) The advertising or offering for sale or lease as an agent, salesman, or broker for a subdivider, developer, or owner of subdivided lands of a subdivision, wherever situated, which is being offered for sale within this state without first complying with the provisions of sections 1 to 16.

Sec. 19. **[83.19] Statute of limitations.** The statute of limitations shall not begin to run with respect to any civil or criminal cause of action arising out of the sale or lease of a lot or parcel in violation of sections 1 to 16 until a conveyance describing such lot or parcel is recorded with the appropriate recording authority.

This section does not prohibit the maintenance of any action before the recording of such conveyance.

Approved May 22, 1963.

CHAPTER 798—S. F. No. 758

[Coded]

An act relating to tort liability of cities, villages, boroughs, counties, towns, public authorities, certain public corporations, school districts, and other political subdivisions of the state; repealing Minnesota Statutes 1961, Sections 112.70; 12.41; 115.07, Subdivision 5; 360.33, Subdivision 2; 399.04, Subdivision 18; 412.221, Subdivision 4; 418.11; 465.62; 465.09 to 465.121; 471.42 and 471.43.

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

Section 1. **[466.01] Municipalities; tort liability; definitions.** Subdivision 1. For the purposes of this act, "municipality" means any city, whether organized under home rule charter

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or otherwise, any village, borough, county, town, public authority, public corporation, special district, school district, however organized, or other political subdivision.

Subd. 2. For the purposes of this act, the "governing body of a town" means the board of supervisors thereof; "school district" includes an unorganized territory as defined in Minnesota Statutes 1961, Section 120.02, Subdivision 17.

Sec. 2. **[466.02] Tort liability.** Subject to the limitations of this act, every municipality is subject to liability for its torts and those of its officers, employees and agents acting within the scope of their employment or duties whether arising out of a governmental or proprietary function.

Sec. 3. **[466.03] Exceptions.** Subdivision 1. **Scope.** Section 2 does not apply to any claim enumerated in this section. As to any such claim every municipality shall be liable only in accordance with the applicable statute and where there is no such statute, every municipality shall be immune from liability.

Subd. 2. **Workmen's compensation claims.** Any claim for injury to or death of any person covered by the workmen's compensation act.

Subd. 3. **Tax claims.** Any claim in connection with the assessment and collection of taxes.

Subd. 4. **Accumulations of snow and ice.** Any claim based on snow or ice conditions on any highway or other public place, except when the condition is affirmatively caused by the negligent acts of the municipality.

Subd. 5. **Execution of statute.** Any claim based upon an act or omission of an officer or employee, exercising due care, in the execution of a valid or invalid statute, charter, ordinance, resolution, or regulation.

Subd. 6. **Discretionary acts.** Any claim based upon the performance or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.

Subd. 7. **Other immunity.** Any claim against a municipality as to which the municipality is immune from liability by the provisions of any other statute.

Sec. 4. **[466.04] Maximum liability.** Subdivision 1. **Limits, punitive damages.** Liability of any municipality on any claim within the scope of this act shall not exceed

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a. \$25,000 when the claim is one for death by wrongful act or omission and \$50,000 to any claimant in any other case;

b. \$300,000 for any number of claims arising out of a single occurrence.

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

Subd. 2. **Inclusions.** The limitation imposed by this section on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subd. 3. **Disposition of multiple claims.** Where the amount awarded to or settled upon multiple claimants exceeds \$300,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount limited by Subdivision 1 of this Section. 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.

Sec. 5. [466.05] **Notice of claim.** Subdivision 1. **Notice required.** Every person who claims damages from any municipality for or on account of any loss or injury within the scope of Section 2 shall cause to be presented to the governing body of the municipality within 30 days after the alleged loss or injury a written notice stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. Failure to state the amount of compensation or other relief demanded does not invalidate the notice; but in such case, the claimant shall furnish full information regarding the nature and extent of the injuries and damages within 15 days after demand by the municipality. No action therefor shall be maintained unless such notice has been given and unless the action is commenced within one year after such notice. The time for giving such notice does not include the time, not exceeding 90 days, during which the person injured is incapacitated by the injury from giving the notice.

Subd. 2. **Claims for wrongful death; notice.** When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign county of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; but if the person for whose death the claim is made has presented a notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.

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Sec. 6. **[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 3 for which the municipality is immune from liability; and such insurance may provide protection in excess of the limit of liability imposed by Section 4. 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.

Sec. 7. **[466.07] Indemnification.** Subdivision 1. **Authority to indemnify.** The governing body of any municipality may defend, save harmless, and indemnify any of its officers and employees, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty. Any independent board or commission of the municipality having authority to disburse funds for a particular function without approval of the governing body may similarly defend, save harmless, and indemnify its officers and employees against such tort claims or demands.

Subd. 2. **Exceptions.** The provisions of Subdivision 1 do not apply in case of malfeasance in office or wilful or wanton neglect of duty.

Subd. 3. **Effect on other laws.** This section does not repeal or modify Minnesota Statutes 1961, Sections 471.44, 471.45 and 471.86.

Sec. 8. **[466.08] Compromise of claims.** The governing body of any municipality may compromise, adjust and settle tort claims against the municipality for damages under Section 2 and may, subject to procedural requirements imposed by law or charter, appropriate money for the payment of amounts agreed upon. When the amount of a settlement exceeds \$2,500, the settlement shall not be effective until approved by the district court.

Sec. 9. **[466.09] Payment of judgments.** When a judgment is entered against or a settlement is made by a municipality for a claim within the scope of Section 2, payment shall be made and

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the same remedies shall apply in case of non-payment as in the case of other judgments or settlements against the municipality. If the municipality has the authority to levy taxes and the judgment or settlement is unpaid at the time of the annual tax levy, the governing body shall, if it finds that other funds are not available for payment of the judgment, levy a tax sufficient to pay the judgment or settlement and interest accruing thereon to the expected time of payment. Such tax may be levied in excess of any per capita or millage tax limitation imposed by statute or charter.

Sec. 10. **[466.10] Prior claims.** This act does not apply to any claim against any municipality arising before the effective date of this act. Any such claim may be presented and enforced to the same extent and subject to the same procedure and restrictions as if this act had not been adopted.

Sec. 11. **[466.11] Relation to charters and special laws.** This act is exclusive of and supersedes all home rule charter provisions and special laws on the same subject heretofore and hereafter adopted.

Sec. 12. **[466.12] School districts and certain towns.** Subdivision 1. Sections 1 to 11, except as otherwise provided for in this section, do not apply to any school district, however organized, or to a town not exercising the powers of a village under the provisions of Minnesota Statutes 1961, Section 368.01, as amended.

Subd. 2. The doctrine of "governmental immunity from tort liability" as a rule of the decisions of the courts of this state is hereby enacted as a rule of statutory law applicable to all school districts and towns not exercising powers of villages in the same manner and to the same extent as it was applied in this state to school districts and such towns on and prior to December 13, 1962.

As used in this subdivision the doctrine of "governmental immunity from tort liability" means the doctrine as part of the common law of England as adopted by the courts of this state as a rule of law exempting from tort liability school districts and towns not exercising the powers of villages regardless of whether they are engaged in either governmental or proprietary activities, subject however, to such modifications thereof made by statutory enactments heretofore enacted, and subject to the other provisions of this section.

Subd. 3. A school district or a town not exercising the powers of a village may procure insurance as provided for in section 6, and if a school district or town not exercising the powers of a village procures such insurance it shall otherwise be subject to all the terms and provisions of sections 2 to 9 to the extent of the liability cov-

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erage afforded. Cancellation or expiration of any liability policy shall restore immunity as herein provided as of the date of such cancellation or expiration.

Subd. 4. This section is in effect on January 1, 1964, but all of its provisions shall expire on January 1, 1968.

Sec. 13. **[466.13] Drainage and related public corporations.** Subdivision 1. Sections 1 to 11, except as otherwise provided for in this section, do not apply to any drainage system established under Minnesota Statutes 1961, Chapter 106; the improvement of waters under Minnesota Statutes 1961, Chapter 110, when done by a municipality; drainage and conservancy districts established under Minnesota Statutes 1961, Chapter 111; a watershed district established under Minnesota Statutes 1961, Chapter 112; and a soil conservation district established under Minnesota Statutes 1961, Chapter 40.

Subd. 2. The doctrine of "governmental immunity from tort liability" as a rule of the decisions of the courts of this state is hereby enacted as a rule of statutory law applicable to the instrumentalities of government enumerated in subdivision 1 to the same extent as it was applied in this state to such instrumentalities on and prior to December 13, 1962.

As used in this subdivision the doctrine of "governmental immunity from tort liability" means the doctrine as a part of the common law of England as adopted by the courts of this state as a rule of law exempting from tort liability the instrumentalities of government named in subdivision 1, subject, however, to such modifications thereof made by statutory enactments heretofore enacted, and subject to the other provisions of this section.

Subd. 3. An instrumentality of government as named in subdivision 1 may procure insurance as provided for in section 6, and if such instrumentality of government procures such insurance it shall otherwise be subject to all provisions and terms of sections 2 to 9 to the extent of the liability coverage afforded. Cancellation or expiration of any liability policy shall restore immunity as herein provided as of the date of such cancellation or expiration.

Subd. 4. This section is in effect on January 1, 1964, but all of its provisions shall expire on January 1, 1968.

Sec. 14. **[466.14] Prior law.** The doctrine of "governmental immunity from tort liability" as a rule of decisions of the courts of this state is hereby enacted as a rule of statutory law and shall be applicable to all matters and all of the instrumentalities of government enumerated in section 1 in the same manner and to the

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same extent as it was applied in this state on and prior to December 13, 1962. This section applies to matters arising prior to such date as well as to matters arising on and after such date.

As used in this section the doctrine of "governmental immunity from tort liability" means the doctrine as a part of the common law of England as adopted by the courts of this state as a rule of law exempting from tort liability the instrumentalities of government named in section 1, subject, however, to such modifications thereof made by statutory enactments heretofore enacted.

Sec. 15. **[466.15] Civil damages act, application.** This act does not modify Minnesota Statutes, Section 340.95.

Sec. 16. **[466.16] Repealer.** Subdivision 1. Subject to the provisions of section 10, Minnesota Statutes 1961, Sections 12.41; 115.07, Subdivision 5; 360.033, Subdivision 2; 399.04, Subdivision 18; 412.221, Subdivision 4; 418.11; 465.62; 465.09 to 465.121; 471.42 and 471.43 are hereby repealed.

Subd. 2. Minnesota Statutes 1961, Section 112.70 is hereby repealed.

Sec. 17. **[466.17] Effective date.** Section 14 is in effect upon the adjournment of the 1963 regular session of the Minnesota legislature, but its provisions shall expire on December 31, 1963; Section 16, Subdivision 2, is in effect on January 1, 1968; the other provisions of the act are in effect on January 1, 1964.

Approved May 22, 1963.

CHAPTER 799—S. F. No. 1095

An act relating to local assessors, providing for their appointment; amending Minnesota Statutes 1961, Sections 273.05; 273.08; 367.03, Subdivision 1; 367.035 and 412.02, Subdivision 1.

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

Section 1. Minnesota Statutes 1961, Section 273.05, is amended to read:

Subdivision 1. Appointment of town and village assessors. Notwithstanding any other provision of law all town assessors shall be appointed by the town board and all village assessors shall be appointed by the village council. Such assessors shall be residents of the state but need not be a resident of the town or village for which they

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