

AERONAUTICS

CHAPTER 73

H. B. No. 869
(Boustead, Lang, Mathiason)

AIRPORT LIABILITY INSURANCE

AN ACT

Authorizing any political subdivision, at its option, to procure liability and casualty insurance protecting the political subdivision or the employees thereof against claims or loss arising out of the operation of an airport; and providing for waiver of governmental immunity in the event such insurance is purchased.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Authorization for Airport Liability Insurance—Exceptions.) From and after July 1, 1967, any airport authority, county, city, village, township, or other political subdivision which operates an airport, is hereby authorized to carry liability insurance for its own protection and the protection of any employee from claim for loss or damage for bodily injury or property damage arising out of or by reason of its operation and maintenance of airport facilities in connection therewith or landing fields; provided that any airport authority or political subdivision, and its agents, servants, and employees shall have full government immunity for any claims in excess of the limits afforded by such policy or policies of insurance or full governmental immunity in the event no insurance is carried; and further providing that the fact of insurance coverage shall not be conveyed to the jury in the event of suits thereon, either directly or indirectly. If a dispute exists concerning the amount or nature of the insurance coverage, the dispute shall be tried separately before the main trial determining the claims and damages of the claimant. This statute confers no right for a claimant to sue the insurer directly.

Approved March 14, 1967.