21.8033.02000

FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED HOUSE BILL NO. 1057

Introduced by

Political Subdivisions Committee

(At the request of the Office of Management and Budget)

- 1 A BILL for an Act to amend and reenact subsection 2 of section 32-12.1-03 and subsection 2 of
- 2 section 32-12.2-02 of the North Dakota Century Code, relating to the statutory caps for liability
- 3 of political subdivisions and the state; to provide an effective date; and to provide an expiration
- 4 date.

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BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- SECTION 1. AMENDMENT. Subsection 2 of section 32-12.1-03 of the North Dakota
 Century Code is amended and reenacted as follows:
 - 2. The liability of political subdivisions under this chapter is limited to a total of twothree hundred fiftyseventy-five thousand dollars per person and one million dollars for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence. A political subdivision may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages. The liability limits under this subsection must be adjusted annually as follows:
 - a. On July 1, 2023, a total of four hundred six thousand two hundred and fifty dollars
 per person and one million six hundred twenty-five thousand dollars for any
 single occurrence.
 - b. On July 1, 2024, a total of four hundred thirty-seven thousand five hundred dollars per person and one million seven hundred fifty thousand dollars for any single occurrence.
 - On July 1, 2025, a total of four hundred sixty-eight thousand seven hundred fifty dollars per person and one million eight hundred seventy-five thousand dollars per occurrence.

1	<u>d.</u>	On July 1, 2026, a total of five hundred thousand dollars per person and two	
2		million dollars per occurrence.	
3	SECTION 2. AMENDMENT. Subsection 2 of section 32-12.2-02 of the North Dakota		
4	Century Code is amended and reenacted as follows:		
5	2. The	liability of the state under this chapter is limited to a total of twothree hundred	
6	fiftyseventy-five thousand dollars per person and one million dollars for any number of		
7	claims arising from any single occurrence. The state may not be held liable, or be		
8	ordered to indemnify a state employee held liable, for punitive or exemplary damages.		
9	Any amount of a judgment against the state in excess of the one million dollar limit		
10	imposed under this subsection may be paid only if the legislative assembly adopts an		
11	appropriation authorizing payment of all or a portion of that amount. A claimant may		
12	present proof of the judgment to the director of the office of management and budget		
13	who shall include within the proposed budget for the office of management and budget		
14	a request for payment for the portion of the judgment in excess of the limit under this		
15	section at the next regular session of the legislative assembly after the judgment is		
16	rend	rendered. The liability limits under this subsection must be adjusted annually as	
17	follows:		
18	<u>a.</u>	On July 1, 2023, a total of four hundred six thousand two hundred and fifty dollars	
19		per person and one million six hundred twenty-five thousand dollars for any	
20		single occurrence.	
21	<u>b.</u>	On July 1, 2024, a total of four hundred thirty-seven thousand five hundred	
22		dollars per person and one million seven hundred fifty thousand dollars for any	
23		single occurrence.	
24	<u>C.</u>	On July 1, 2025, a total of four hundred sixty-eight thousand seven hundred fifty	
25		dollars per person and one million eight hundred seventy-five thousand dollars	
26		per occurrence.	
27	<u>d.</u>	On July 1, 2026, a total of five hundred thousand dollars per person and two	
28		million dollars per occurrence.	
29	SECTION	3. EFFECTIVE DATE. This Act becomes effective July 1, 2022.	
30	SECTION	4. EXPIRATION DATE. This Act is effective through July 31, 2027, and after that	
31	date is ineffective.		