

Rep. Kuttab, Rock. 17
Rep. Drago, Rock. 4
Rep. Osborne, Rock. 2
May 13, 2026
2026-1961h
09/07

Floor Amendment to SB 409-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the penalties for the offense of disobeying an officer and relative to
4 liability of governmental units.

5

6 Amend the bill by replacing all after section 1 with the following:

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8 2 Bodily Injury Actions Against Governmental Units; Liability for Negligence. RSA 507-B:2 is
9 repealed and reenacted to read as follows:

10 507-B:2 Liability for Negligence.

11 I. A governmental unit may be held liable for damages for:

12 (a) Bodily injury, personal injury, death, or property damages caused by the failure of
13 the governmental unit or its officials or employees acting within the scope of their authority to follow
14 the appropriate standard of care when that duty was owed to the person making the claim, including
15 any right of action for money damages which either expressly or by implication arises from any law,
16 unless another remedy for such claim is expressly provided by law; or

17 (b) Property damages suffered by a governmental unit employee or official during the
18 performance of that employee's or official's duties while on the governmental unit's business where
19 compensation is appropriate under principles of equity and good conscience;

20 (c) Provided, however, that the liability of any governmental unit with respect to its
21 sidewalks, streets, and highways shall be limited as provided in RSA 231 and the liability of any
22 governmental unit with respect to publicly owned airport runways and taxiways shall be limited as
23 set forth in RSA 422.

24 II. The provisions of this chapter shall not apply to:

25 (a) Any claim based upon an act or omission of an employee or official of a governmental
26 unit when such employee or official is exercising due care in the execution of any statute or any
27 regulation of a public employer, or any municipal ordinance.

28 (b) Any claim based upon the exercise or performance or the failure to exercise or
29 perform a discretionary executive or planning function or duty on the part of an employee or official
30 of a governmental unit acting within the scope of his office or employment.

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1 3 Bodily Injury Actions Against Governmental Units; Limit of Liability. Amend RSA 507-B:4, I
2 to read as follows:

3 I. Liability of a governmental unit for bodily injury, personal injury or property damage
4 sustained by any one person in actions brought under this chapter is limited to [~~\$325,000~~] **\$475,000**
5 ***per claimant and \$1,425,000 per any single incident, or the proceeds from any insurance***
6 ***policy, whichever amount is greater.*** Such limit applies in the aggregate to any and all actions to
7 recover for bodily injury, personal injury or property damage sustained by one person in a single
8 incident or occurrence. [~~Liability of a governmental unit for bodily injury, personal injury, or~~
9 ~~property damage sustained by any number of persons in a single incident or occurrence is limited to~~
10 ~~\$1,000,000.] The limits applicable to any action shall be the limits in effect at the time of the
11 judgment or settlement.~~

12 4 Bodily Injury Actions Against Governmental Units; Insurance Policies Procured by
13 Governmental Agency. Amend RSA 507-B:7-a to read as follows:

14 507-B:7-a Insurance Policies Procured by Governmental Agency. It shall be lawful for the state
15 or any municipal subdivision thereof, including any county, city, town, school district, school
16 administrative unit or other district, to procure the policies of insurance described in RSA 412 ***or***
17 ***participate in pooled risk management, or self-insurance, pursuant to RSA 5-B.*** In any
18 action against the state or any municipal subdivision thereof to enforce liability on account of a risk
19 so insured against, the insuring company or state or municipal subdivision thereof shall not be
20 allowed to plead as a defense immunity from liability for damages resulting from the performance of
21 governmental functions, and its liability shall be determined as in the case of a private corporation
22 except when a standard of care differing from that of a private corporation is set forth by statute ***or***
23 ***common law***; provided, however, that liability in any such case shall not exceed the limits of
24 coverage specified in the policy of insurance or as to governmental units defined in RSA 507-B,
25 liability shall not exceed the policy ***or pooled risk*** limit or the limit specified in RSA 507-B:4, if
26 applicable, whichever is higher, ***or for self-insurance, the limit specified in RSA 507-B:4,*** and
27 the court shall abate any verdict in any such action to the extent that it exceeds such limit.

28 5 Political Subdivision Employees; Indemnification for Damages. Amend RSA 31:105 to read as
29 follows:

30 31:105 Indemnification for Damages. A city, town, county, village district or precinct, school
31 district, chartered public school, school administrative unit, or any other municipal corporation or
32 political subdivision [~~may by a vote of the governing body~~] ***shall*** indemnify and save harmless for
33 loss or damage [~~occurring after said vote~~] any person employed by it and any member or officer of its
34 governing board, administrative staff or agencies including but not limited to selectmen, school
35 board members, chartered public school trustees, city councilors and aldermen, town and city
36 managers, regional planning commissioners, town and city health officers, overseers of public
37 welfare, and superintendents of schools from personal financial loss and expense including

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1 reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason
2 of negligence or other act resulting in accidental injury to a person or accidental damage to or
3 destruction of property if the indemnified person at the time of the accident resulting in the injury,
4 damage, or destruction was acting in the scope of employment or office ***and such acts were not***
5 ***wanton or reckless.***

6 6 Effective Date. This act shall take effect January 1, 2027.

2026-1961h

AMENDED ANALYSIS

This bill:

- I. Amends the penalties for the offense of disobeying an officer.
- II. Modifies the standards and amounts for which a governmental unit may be held liable for negligence resulting in personal injury or property damage.
- III. Requires political subdivisions to indemnify employees absent wanton or reckless conduct for negligent conduct resulting in personal injury or property damage, if the action was within the scope of the employment.