



## Municipal Employee and Boards Immunity/Liability

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Municipal Employee and Boards Immunity/Liability

**Reference Number:** MTAS-1152

### **Employees**

If the injury in question is one for which the municipality is liable under the TGTLA, the employee who caused the injury is totally relieved of liability (unless the employee is a "health care practitioner" sued for malpractice). Generally, the municipality is liable under the TGTLA for injuries arising from:

- Negligent operation of a motor vehicle;
- Defective, unsafe or dangerous streets, etc.;
- Dangerous or defective public building or other structure; and
- Employee negligence where the negligence does not involve discretion.

If the injury in question is one for which the municipality is immune from suit under the TGTLA, the employee who caused the injury may be personally liable for it, but only to the limits of liability provided for in the act. However, the liability limits do not apply if the employee's actions were willful, malicious, criminal, performed for personal gain or constituted medical malpractice by a health care practitioner.

### **Employee Indemnification**

Municipalities can insure or indemnify their employees for claims for which the employee is liable but for which the municipality is immune. However, indemnification generally cannot exceed the tort liability limits.

### **Boards and Commissions**

The provisions immunizing boards, commissions and committees are broad. T.C.A. § 29-20-201(b) (2), declares that

All members of boards, commissions, agencies, authorities, and other governing bodies of any governmental entity, created by public or private act, whether compensated or not, shall be immune from suit arising from the conduct of the affairs of such board, commission, agency, authority, or other governing body. Such immunity from suit shall be removed when such conduct amounts to willful, wanton, or gross negligence.

### **Tort Liability Limits**

Chapter 424 of Public Acts of 2001 increased the limits for municipalities for actions arising on or after July 1, 2002, and July 1, 2007. The limits and the effective dates are as follows:

T.C.A. § 29-20-403.

<b>Injury</b>	<b>Limit</b>	<b>Limit</b>	<b>Limit</b>
<b>Date Cause of Action Arose</b>	<b>July 1, 1987 – June 30, 2002</b>	<b>July 1, 2002 – June 30, 2007</b>	<b>On or after July 1, 2007</b>
One Person	\$130,000	\$250,000	\$300,000
Multiple Persons	\$350,000	\$600,000	\$700,000
Property Damage	\$50,000	\$85,000	\$100,000

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