

TITLE 3 – CENTRAL GOVERNMENT

CHAPTER 10 - GOVERNMENT LIABILITY



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

GOVERNMENT LIABILITY ACT 1980

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GOVERNMENT LIABILITY ACT 1980

AN ACT to prescribe the limits of Government of the Marshall Islands liability in contract and tort, and for related purposes.¹

<i>Commencement:</i>	<i>December 19, 1980</i>
<i>Source:</i>	<i>P.L. 1980-19</i>
<i>Amended By:</i>	<i>P.L. 1986-2</i>
<i>P.L. 2021-35</i>	

§1001. Short Title.

This Chapter may be cited as the “Government Liability Act 1980”.
[P.L. 1980-19, §1.]

§1002. Application of this Chapter .

- (1) All tort and contract claims against the Government of the Marshall Islands shall be made pursuant to this Chapter .
- (2) In this Chapter, the word “Government” means any national or local government branch, agency, commission board, authority, or government wholly or partially owned or controlled corporation thereunder. [P.L. 1980-19, §2.] [Amended by P.L. 2021-35]

PART II- GOVERNMENT CONTRACTS

§1003. Validity of contracts.

- (1) All contracts with the Government or any agency of the Government shall be:
 - (a) in writing;
 - (b) in the name of the Government;
 - (c) made pursuant to an appropriation, if the contract entails an expenditure of public money;
 - (d) certified in writing by the Secretary of Finance or his designee that an appropriation has been made for the full amount of the contract liability and that funds are available;
 - (e) approved in writing as to form and execution by the Attorney-General or his designee: and
 - (f) executed by a contracting officer authorized to sign on behalf of the Government.
- (2) Contracts which do not comply with Subsection (1) herein are void and unenforceable in law or equity, except that the Government has the right to recover any monies expended under such a contract.
- (3) The Secretary of Finance shall promulgate rules pertaining to purchase orders, and shall use such forms as are approved by the Attorney-General or his designee. [P.L.1980-19, §3.]

§1004. Suits authorized.

- (1) The Attorney-General may sue:
 - (a) to avoid the obligation of any contracting officer, department or agency to pay under contract; or
 - (b) to recover payments made, if services performed under the contract are so unsatisfactory or incomplete, or so inconsistent with the price that payment would involve unjust enrichment.
- (2) The contrary opinion of the contracting officer, department or agency involved does not affect the authority of the Attorney-General under this Section. [P.L. 1980-19, §4.]

PART III - TORT LIABILITY

§1005. Limitation of liability.

- (1) The Government shall not be liable for more than
 - (a) \$75,000 in any action for wrongful death;
 - (b) \$75,000 in any other tort action; or
 - (c) \$75,000 in the aggregate for any number of tort claims arising out of a single occurrence.
- (2) Awards or resettlements to multiple claimants which would exceed \$75,000 shall be fairly apportioned not to exceed \$75,000 in the aggregate.
- (3) If the Government is insured for a greater amount the liability shall be the same as the insurance coverage.
- (4) The Government shall not be liable for interest prior to judgment or for punitive damages. [P.L. 1980-19, §5.][Liabilities increased by P.L. 2021-35]

§1006. Liability for employee's conduct.

- (1) Subject to Subsection (2) of this Section, the Government is liable for the torts of its officers, agents and employees, while working in the scope of their employment, under circumstances where the Government, if a private person, would be liable to the claimant.
- (2) The Government is not liable for the following acts or omissions of its officers, agents, or employees:
 - (a) an act or omission of an officer, agent or employee exercising due care in the execution of a valid or invalid statute, regulation, or Cabinet order;
 - (b) the performance or failure to perform a discretionary duty, whether or not the discretion is abused;
 - (c) the assessment or collection of taxes, or the detention of any goods or merchandise by any law enforcement, tax or customs officer;
 - (d) the imposition or establishment of a quarantine;
 - (e) an assault or battery, except an assault or battery committed by a policeman acting in the line of duty, false arrest, malicious