



JURISDICTIONS COMPARATIVE CHART

LIMITATIONS AND NOTICE REQUIREMENTS FOR TORT CLAIMS AGAINST GOVERNMENT ENTITIES

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**JURISDICTIONS COMPARATIVE CHART:
LIMITATIONS AND NOTICE REQUIREMENTS
FOR TORT CLAIMS AGAINST GOVERNMENT ENTITIES**

| ALABAMA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims against State: <i>Ala. Const. art. I, §14.</i> <ul style="list-style-type: none"> ○ State is immune from tort actions. ○ Bars (1) claims against the State, (2) claims against a State agency, (3) claims against a state official or employee sued in his official capacity as an agent for the State, and (4) claims against a state official or employee sued in his individual capacity. • Claims against Municipalities: <i>Al. Code §11-47-190.</i> <ul style="list-style-type: none"> ○ Municipalities are not immune from tort actions. ○ Liability is limited to claims arising out of the neglect, carelessness or unskillfulness of their officers or employees. ○ Municipality not liable for intentional torts; prohibition against intentional torts contained in § 11-47-190 applies only to lawsuits against a municipality itself, and does not prohibit the assertion of intentional tort claims against individual employees. • Claims against Counties: <i>Al. Code §11-1-2.</i> <ul style="list-style-type: none"> ○ Counties are not immune from tort action and can be liable for intentional and negligence-based claims. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims Against Municipalities: <i>Al. Code §11-47-23.</i> <ul style="list-style-type: none"> ○ Tort claims for damages must be filed within 6 months of accrual. ○ Must file a sworn statement with clerk as to manner of injury, damages, etc. <i>Al. Code §11-47-192.</i> • Claims Against Counties: <i>Al. Code § 11-12-8.</i> <ul style="list-style-type: none"> ○ Must file itemized, verified claim with county commission within 12 months of accrual. ○ Must be acted on within 90 days prior to commencement of the suit. |
| DOLLAR LIMITATION | <ul style="list-style-type: none"> • For claims for bodily injury or death, liability is limited to \$100,000 per claimant and \$300,000 per occurrence. <i>Al. Code § 11-93-2.</i> • For property damage, liability is limited to \$100,000 for a single occurrence. <i>Al. Code § 11-93-2.</i> |
| ALASKA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • A person or corporation having a contract, quasi-contract, or tort claim against the state may bring an action against the state in a state court that has jurisdiction over the claim. <i>AS § 09.50.250.</i> • An action may not be brought against the State if the claim: <ul style="list-style-type: none"> ○ (1) Is an action for tort, and is based upon an act or omission of an employee of the state exercising due care in the execution of a statute or regulation, whether or not the statute or regulation is valid; or is an action for tort, and based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion involved is abused. ○ (2) Is for damages caused by the imposition or establishment of, or the failure to impose or establish, a quarantine or isolation, etc. ○ (3) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights. ○ (4) Arises out of the use of an ignition interlock device. ○ (5) Arises out of injury, illness, or death of a seaman that occurs or manifests itself during or in the course of, or arises out of, employment with the state. |
| NOTICE AND FILING REQUIREMENTS | |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • No damage cap, but punitive damages cannot be awarded against the state. <i>AS § 09.50.280.</i> |

| ARIZONA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Absolute Immunity. Public entity is afforded absolute immunity for acts and omissions of its employees constituting either the exercise of a judicial or legislative function or the exercise of an administrative function involving the determination of fundamental governmental policy. <i>A.R.S. §12-820.01.</i> • Qualified Immunity. Unless a public employee acting within the scope of employment intended to cause injury or was grossly negligent, neither a public entity or employee is liable for any of the actions listed in this section. <i>A.R.S. §12-820.02.</i> • Other Immunities. A public entity is not liable for losses that arise out of and are directly attributable to an act or omission determined by a court to be a criminal felony by a public employee unless the public entity knew of the public employee's propensity for that action. <i>A.R.S. §12-820.05.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • All actions against public entities or employees must be brought within 1 year of accrual. <i>A.R.S. §12-821.</i> • Claims against a public entity must be filed with person authorized to accept service on behalf of entity within 180 days after the cause of action accrues. <i>A.R.S. §12-821.01.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • Neither a public entity nor a public employee acting within the scope of his employment is liable for punitive or exemplary damages. <i>A.R.S. §12-820.04.</i> |
| ARKANSAS | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims against the State: <i>Ark. Const. art. V, § 20</i> states that the State of Arkansas shall never be made defendant in any of her courts. <ul style="list-style-type: none"> ○ Only three ways in which a claim of sovereign immunity may be surmounted: (1) where the State is the moving party seeking specific relief; (2) where an act of the legislature has created a specific waiver of sovereign immunity; and (3) where the state agency is acting illegally or if a state agency officer refuses to do a purely ministerial action required by statute. <i>Short v. Westark Cmty. Coll., 347 Ark. 497, 504, 65 S.W.3d 440, 445 (2002).</i> ○ The Arkansas State Claims Commission provides a venue for claims against the State and has exclusive jurisdiction over all claims against the State and its agencies, departments, and institutions that would normally be barred by the doctrine of sovereign immunity. <i>Ark. Code § 19-10-204.</i> ○ The Commission does not hear subrogation claims. <i>Ark. Code § 19-10-304.</i> • Claims against Political Subdivisions: Political subdivisions are immune from liability except to the extent they are covered by liability insurance. <i>Ark. Code § 21-9-301.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Must file verified complaint with the Director of the Arkansas State Claims Commission. <i>Ark. Code § 19-10-208.</i> • Must be filed with the Director of the Commission within the period allowed by law for the commencement of an action for the enforcement of the same type of claim against a private person. <i>Ark. Code § 19-10-209.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • State can pay actual, but not punitive, damages. <i>Ark Code. § 21-9-203(a).</i> • With the exception of death and disability benefit claims, no award may be paid in excess of \$15,000. If the award in excess of \$15,000, the claim shall be referred to General Assembly for an appropriation. <i>Ark. Code § 19-10-215.</i> |
| CALIFORNIA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • <i>California Government Code §810 - §996.6</i> describes immunities that protect California public entities and employees from tort liabilities, as well as procedural requirements that must be followed to pursue claims. • A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee. <i>Cal. Gov. Code § 815.2.</i> • A public employee is liable for injury caused by his act or omission to the same extent as a private person so long as function was not discretionary. <i>Cal. Gov. Code § 820 and § 820.2.</i> |

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| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • Claims for injury to person, property, or crops must be presented within 6 months of the accrual. Claims for all other injuries must be presented within 1 year of accrual. <i>Cal Gov. Code § 911.2.</i> • The public entity has 45 days to act upon the claim, by rejecting or accepting it, once the claim has been presented. If the public entity fails to take any action on the claim within the 45 day period, the claim is deemed rejected. If the claim is rejected, and written notification is provided to the claimant of rejection, then the complaint must be filed within 6 months of the date of rejection. If the claim is rejected and no written notification of rejection is provided, the claimant has 2 years from the accrual of the cause of action to file a complaint. <i>Cal. Gov. Code § 911.6.</i> • Requirements for information in claim presentation are found in <i>Cal. Gov. Code § 910.</i> • Requirements for filing claim with the appropriate entity are found in <i>Cal. Gov. Code § 915.</i> |
| <p>DAMAGE LIMITATION</p> | |
| <p>COLORADO</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • Colorado Governmental Immunity Act, <i>C.R.S.A. § 24-10-101, et seq.</i> • A public entity shall be immune from liability in all claims for injury which lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant. <i>C.R.S.A. § 24-10-106.</i> • Sovereign immunity is waived by a public entity in an action for injuries resulting from certain specified activities including but not limited to the following <i>C.R.S.A. § 24-10-106</i> <ul style="list-style-type: none"> ○ The operation of a motor vehicle, owned or leased by such public entity, by a public employee while in the course of employment, except emergency vehicles. ○ A dangerous condition of any public building. ○ A dangerous condition of a public highway, road, or street. ○ The operation and maintenance of any public water facility, gas facility, sanitation facility, electrical facility, power facility, or swimming facility by such public entity. |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • Must file written notice of claim within 182 days of the discovery. <i>C.R.S.A. § 24-10-109(1).</i> • If the claim is against the state or an employee thereof, the notice shall be filed with the attorney general. If the claim is against any other public entity or an employee thereof, the notice shall be filed with the governing body of the public entity or the attorney representing the public entity. <i>C.R.S.A. § 24-10-109(3)(a).</i> • No action shall be commenced until after the claimant who has filed timely notice has received notice from the public entity that the public entity has denied the claim or until after 90 days has passed following the filing of the notice of claim required by this section, whichever occurs first. <i>C.R.S.A. § 24-10-109(6).</i> • Any action brought shall be commenced within the time period provided for that type of action in articles 80 and 81 of title 13, C.R.S., relating to limitation of actions, or it shall be forever barred. <i>C.R.S.A. § 24-10-109(5).</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • \$350,000 for any injury to one person in any single occurrence. <i>C.R.S.A. § 24-10-114.</i> • \$900,000 for an injury to two or more persons in any single occurrence except that, in such instance, no person may recover more than \$350,000. <i>C.R.S.A. § 24-10-114.</i> |
| <p>CONNECTICUT</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • Claims against State: <i>C.G.S.A. § 4-142.</i> Under the common law sovereign immunity doctrine, the state cannot be sued without its consent. In response to this doctrine, the state created a claims commissioner and a structure to process claims against the state. • Statutes provide a few exceptions that allow claims against the state to be taken directly to court instead of through the claims commissioner process including the following: <ul style="list-style-type: none"> ○ <i>CGS § 13a-144</i> authorizes those injured by defective road/bridge to sue the commissioner of transportation for damages (must be sole proximate cause). ○ <i>CGS § 52-556</i> allows anyone suffering injury or property damage because of the negligence of any state official or employee operating a state owned and insured motor vehicle to sue the state for damages. • Claims against Political Subdivisions: <i>C.G.S.A. § 52-557n.</i> Municipalities generally are liable for damages to persons or property caused by: (1) their negligence or the negligence of their employees, officers, or agents acting within the scope of their employment or official duties; (2) negligence in the performance of functions that result in profit or financial gain (for example, a municipal parking garage that charges for parking); and (3) acts constituting the creation or participation in the creation of a nuisance. However, this liability is significantly limited by several exceptions. <ul style="list-style-type: none"> ○ Municipalities are not liable for negligent acts or omissions requiring the exercise of judgment or discretion as an official function of authority granted by law. <i>C.G.S.A. § 52-557n(a)(2).</i> ○ Other statutory exceptions covering particular activities or conditions are set forth in <i>C.G.S.A. § 52-557n(b).</i> |

Jurisdictions Comparative Chart: Limitations and Notice Requirements for Tort Claims Against Government Entities

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| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> Any person wishing to present a claim against the state shall file with the Office of the Claims Commissioner a notice of claim. <i>C.G.S.A. § 4-147.</i> A claim must be presented within 1 year of accrual. By law, a claim accrues on the date the damage or injury is sustained or discovered or in the exercise of reasonable care should have been discovered. But no claim can be presented more than 3 years from the date of the act or event complained of. <i>C.G.S.A. § 4-148.</i> When the Claims Commissioner deems it just and equitable, the Claims Commissioner may authorize suit against the state on any claim which, in the opinion of the Claims Commissioner, presents an issue of law or fact under which the state, were it a private person, could be liable. <i>C.G.S.A. § 4-148.</i> |
| <p>DAMAGE LIMITATION</p> | |
| <p>DELAWARE</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> Claims Against State: Tort Claims Act. <i>10 Del. Code Ann. §4001 et seq.</i> <ul style="list-style-type: none"> No claim may be asserted against the State or any public officer or employee if: (1) The act or omission complained of arose out of the performance of an official duty requiring an exercise of discretion; (2) the act or omission complained of was done in good faith and in the belief that the public interest would best be served thereby; and (3) The act or omission complained of was done without gross or wanton negligence." <i>10 Del. Code Ann. §4001.</i> The immunities extend to any political subdivision of the State. <i>10 Del. Code Ann. §4003.</i> Claims Against Political Subdivisions: Except as otherwise provided by statute, all governmental entities and their employees shall be immune from suit on any and all tort claims seeking recovery of damages. <i>10 Del. Code Ann. §4011.</i> However, a governmental entity is subject to liability in the following instances: <i>10 Del. Code Ann. §4012</i> <ul style="list-style-type: none"> (1) In its ownership, maintenance or use of any motor vehicle, special mobile equipment, trailer, aircraft or other machinery or equipment, whether mobile or stationary. (2) In the construction, operation or maintenance of any public building or the appurtenances thereto, except as to historic sites or buildings, structures, facilities or equipment designed for use primarily by the public in connection with public outdoor recreation. (3) In the sudden and accidental discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalines and toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any watercourse or body of water. |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> Any political subdivision may enact a notice requirement by ordinance, so long as said notice requirement does not bar suit if notice is given within 1 year of occurrence. <i>10 Del. Code Ann. § 4013.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> Any damages award against both a political subdivision and its employees, shall not exceed \$ 300,000 for any and all claims arising out of a single occurrence, except insofar as the political subdivision elects to purchase liability insurance in excess of \$ 300,000 in which event the limit of recovery shall not exceed the amount of the insurance coverage. <i>10 Del. Code Ann. § 4013.</i> |
| <p>DISTRICT OF COLUMBIA</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> Claims against the District of Columbia are governed by <i>D.C. Code § 2-401 et seq.</i> No immunity for property damage, personal injury and death claims caused as a result of negligent driving by state employee within the scope of his employment. However, if it is an emergency situation, then the District is only liable for gross negligence. <i>D.C. Code § 2-412.</i> The public duty doctrine shields the District and its employees from liability arising out of their actions in the course of providing public services. <i>Allen v. D.C., 100 A.3d 63, 68 (D.C. 2014) .</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> An action may not be maintained against the District of Columbia for unliquidated damages to person or property unless, within six months after the injury or damage was sustained, the claimant has given notice in writing to the Mayor of the District of Columbia of the approximate time, place, cause, and circumstances of the injury or damage. <i>D.C. Code § 12-309.</i> |
| <p>DAMAGE LIMITATION</p> | |

| FLORIDA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Governmental immunity from tort liability is waived under circumstances in which the state or agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state. <i>Fla. Stat. Ann. § 768.28(1)</i>. Florida courts have recognized two exceptions to waiver of immunity: (1) the discretionary function exception, and (2) the public duty doctrine exception. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> A plaintiff may not file suit against the state, its agencies, or subdivisions without first presenting the claim in writing to the appropriate agency and Department of Financial Services. However, claims made against a municipality need not be presented to the Department of Financial Services. <i>Fla. Stat. Ann. Sect. § 768.28(6)</i>. A claim must be presented within 3 years after it accrues except that claims for wrongful death must be presented in 2 years and claims for contribution within 6 months after common liability has been discharged. <i>Fla. Stat. Ann. Sect. § 768.28(6)</i>. A plaintiff may file suit against the governmental entity only after the appropriate agency, and Department of Financial Services when applicable, have denied the claim in writing. However, failure to dispose of claim within 6 months after it is filed is deemed a final denial of the claim. <i>Fla. Stat. Ann. Sect. § 768.28(6)(d)</i>. Suit must be filed within 4 years after the claim accrues. <i>Fla. Stat. Ann. Sect. § 768.28(14)</i>. |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> Liability is limited to \$200,000 on a claim by any one person, or \$300,000 for all claims from the same incident or occurrence. However, the statutory cap on the amount of damages recoverable against a governmental entity does not affect the plaintiff's right to a judgment to full damages. The statute explicitly authorizes judgments in excess of the statutory limits. However, the portion of a judgment obtained against a governmental entity which exceeds the statutory limits of liability may be paid only if specifically authorized by the legislature. Finally, if there is insurance coverage in excess of statutory caps, the limits of such insurance apply. <i>Fla. Stat. Ann. Sect § 768.28(5)</i>. |
| GEORGIA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Claims against the State: Georgia Tort Claims Act, <i>Ga. Code Ann. § 50-21-20, et seq.</i> <ul style="list-style-type: none"> State waives its sovereign immunity for the torts of state officers and employees while acting within the scope of their official duties or employment and shall be liable for such torts in the same manner as a private individual or entity would be. <i>Ga. Code Ann. § 50-21-23(a)</i>. <i>Ga. Code Ann. § 50-21-24</i> provides thirteen exceptions to the waiver of sovereign immunity for which the state has no liability. Claims against Municipalities: A municipal corporation may be liable for the negligent performance of its ministerial functions but is immune from suit for actions taken in the performance of its governmental functions. <i>Ga. Code Ann. § 36-33-1</i>. Claims against Counties: A county is not liable to suit unless made so by statute. <i>Ga. Code Ann. § 36-1-4</i>. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> Claims against the State: State must be provided with notice of a claim in writing within 12 months of the date the party's loss was or should have been discovered. Notice must be provided to the Risk Management Division of the Department of Administrative Services. No action may be commenced until either the Department of Administrative Services has denied the claim or more than 90 days have elapsed after the presentation of the notice of claim without action. <i>Ga. Code Ann. § 50-21-26</i>. <ul style="list-style-type: none"> Suit within 2 years of the date that the loss was or should have been discovered. <i>Ga. Code Ann. § 50-21-27</i>. Claims Against Municipalities: Notice in writing within 6 months to the governing authority of the municipal corporation. The governing authority shall consider and act upon the claim within 30 days from the presentation; and the action of the governing authority, unless it results in the settlement thereof, shall in no sense be a bar to an action therefor in the courts. The running of the statute of limitations shall be suspended during the time that the demand for payment is pending before such authorities without action on their part. <i>Ga. Code Ann. § 36-33-5</i>. Claims against Counties: Claim must be presented within 12 months after accrual. <i>Ga. Code Ann. §§ 23-1602</i>. |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> For claims against the state, \$1,000,000 per claimant and \$3 million per occurrence. <i>Ga. Code Ann. § 50-21-29</i>. |

| HAWAII | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • State Tort Liability Act. <i>HRS § 662-1, et seq.</i> • State waives its immunity for liability for the torts of its employees and shall be liable in the same manner and to the same extent as a private individual under like circumstances. <i>HRS § 662-2.</i> • Exceptions to waiver of state immunity are listed in <i>HRS § 662-15.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • A tort claim against the State must be brought within 2 years of accrual, except in the case of a medical tort claims. <i>HRS § 662-4.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • State is not liable for interest prior to judgment or punitive damages. <i>HRS § 662-4.</i> |
| IDAHO | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Idaho Tort Claims Act, <i>Idaho Code Ann. § 6-901, et seq.</i> Idaho's immunity waiver is qualified by the many exceptions set out in <i>Idaho Code Ann. § 6-904</i> including execution of a statute or regulation or performance or failure to perform a discretionary function or duty. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims against governmental entities must be presented to the involved governmental agency or entity within 180 days from the date the claim arose or reasonably should have been discovered. <i>Idaho Code Ann. §§ 6-905 & 6-906.</i> • Information required in notice is set forth in <i>Idaho Code Ann. § 6-907.</i> • Once notice is given, the governmental agency or entity has 90 days to act and notify the claimant in writing of its approval or denial. <i>Idaho Code Ann. § 6-907.</i> A claim is deemed denied if 90 days elapses without a response from the government. • For a claim against a County, suit must be filed within 6 months after the first rejection of the claim. <i>Idaho Code Ann. § 5-221.</i> • Every action against a governmental entity must begin within 2 years after the date the claim arose or reasonably should have been discovered. <i>Idaho Code Ann. § 6-911.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • \$500,000 per occurrence regardless of number of claimants unless governmental entity has purchased liability insurance coverage in excess of the \$500,000. <i>Idaho Code Ann. § 6-926.</i> |
| ILLINOIS | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims Against the State are governed by the Court of Claims Act <i>705 ILCS 505/1, et seq.</i> The Court of Claims has exclusive jurisdiction to hear all claims against the state including all claims for damages in tort if a cause of action would lie against a private person or corporation in a civil suit. <ul style="list-style-type: none"> ○ State Lawsuit Immunity Act, <i>745 ILCS § 5/1</i>, provides that the State may not be a defendant in any court except as provided by the Court of Claims Act, the Illinois Public Labor Relations Act and the State Officials and Employees Ethics Act . • Claims against Local Government Entities: The Local Governmental and Governmental Employees Tort Immunity Act sets forth exceptions to the liability of local governments and their employees at <i>745 ILCS §§ 10/2-101 - 10/2-213.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims against the State: <ul style="list-style-type: none"> ○ Time limitations for filing different types of claims against the state in the Court of Claims are set forth in <i>705 ILCS 505/22</i> and includes 5 years from the date of accrual for contract and 2 years for tort claims. ○ For personal injury claims, within 1 year from the date of injury written notice must be provided to the Attorney General and the Clerk of the Court of Claims. However, notice is not required if claim is filed within 1 year of accrual. <i>705 ILCS 505/22-1.</i> • Claims against Local Government Entities: <ul style="list-style-type: none"> ○ Actions must be commenced within 1 year of accrual. <i>745 ILCS 10/8-101.</i> ○ Action for damages for injury or death within 2 years after the date on which the claimant knew, or should have known of the injury but no more than 4 years after the date on which occurred the act or omission or occurrence alleged in the action to have been the cause of the injury or death. <i>745 ILCS 10/8-101.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • For claims against the State, \$100,000 per claimant. <i>705 Ill. Comp. Stat. Ann. 505/8.</i> • For local government entities, no punitive or exemplary damages. <i>745 ILCS 10/2-102.</i> |

| INDIANA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> The Indiana Tort Claims Act grants absolute immunity to governmental entities in a number of specific circumstances not recognized in the common law and codifies rules of liability for other areas of governmental activity. <i>Ind. Code §§ 34-13-3-1 et seq.</i> A governmental entity or an employee acting within the scope of the employee's employment is not liable for 24 different limitations listed in <i>Ind. Code § 34-13-3-3</i>. Under Indiana common law, governmental entities are subject to liability under traditional tort theories and afforded immunity in: crime prevention, appointments to public office, and judicial decision-making. <i>F.D. v. Ind. Dep't of Child Servs., 1 N.E.3d 131, 136 (Ind. 2013)</i>. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> A claim against the state is barred unless notice is filed with the attorney general or the state agency involved within 270 days after the loss occurs. <i>Ind. Code § 34-13-3-6</i>. A claim against a political subdivision is barred unless notice is filed with the governing body of that political subdivision and the Indiana political subdivision risk management commission within 180 days after the loss occurs. <i>Ind. Code § 34-13-3-8</i>. Notice must be in writing and must be delivered in person or by registered or certified mail. <i>Ind. Code § 34-13-3-12</i>. Within 90 days of the filing of a claim, the governmental entity shall notify the claimant in writing of its approval or denial of the claim. A claim is denied if the governmental entity fails to approve the claim in its entirety within 90 days. <i>Ind. Code § 34-13-3-11</i>. A claimant may not initiate suit against government unless claim has been denied in whole or in part. <i>Ind. Code § 34-13-3-13</i>. |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> Under <i>Ind. Code § 34-13-3-4</i>, the combined aggregate liability of all governmental entities and of all public employees for injury to or death of one person in any one occurrence is limited to: <ul style="list-style-type: none"> \$300,000 for a cause of action that accrues before January 1, 2006 \$500,000 for a cause of action that accrues on or after January 1, 2006, and before January 1, 2008 \$700,000 for a cause of action that accrues on or after January 1, 2008 The combined limit for injury to or death of all persons in one occurrence is \$5,000,000. |
| IOWA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Claims against the State: <i>Iowa Code §§ 669.1 -669.25</i>. <ul style="list-style-type: none"> "Generally, the state may be sued for damage caused by the negligent or wrongful acts or omissions of state employees while acting within the scope of employment to the same extent that a private person may be sued." <i>Hook v. Trevino, 839 N.W.2d 434, 439 (Iowa 2013)</i>. Immunity is preserved for the 14 exceptions listed in <i>Iowa Code § 669.14</i>. Claims against Governmental Subdivisions: <i>Iowa Code §§ 670.1-13</i>. <ul style="list-style-type: none"> Liability for torts committed by officers and employees acting within the scope of their employment or duties regardless of whether tort arises out of governmental or proprietary function. <i>Iowa Code § 670.2</i>. Exceptions to government liability are listed in <i>Iowa Code § 670.4</i>. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> For claims against the State, the claim is made in writing and filed with the director of the department of management within 2 years of accrual. The time to begin a suit shall be extended for a period of 6 months from the date of mailing of notice to the claimant by the attorney general as to the final disposition of the claim or from the date of withdrawal of the claim, if the time to begin suit would otherwise expire before the end of the period. <i>Iowa Code § 669.13</i>. A suit shall not be permitted against the state or employees of the state unless the attorney general has made final disposition of the claim. However, if the attorney general does not make final disposition of a claim within 6 months after the claim is made in writing to the director of the department of management, the claimant may, by notice in writing, withdraw the claim from consideration and begin suit under this chapter. <i>Iowa Code § 669.5</i>. |
| DAMAGE LIMITATION | |

| KANSAS | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Kansas Tort Claims Act, <i>K.S.A. §§ 75-6101, et seq.</i> • Absent several exceptions, government entities may be liable for damages caused by negligent or wrongful acts or omissions of its employees acting in the scope of their employment. <i>K.S.A. § 75-6103.</i> • Exceptions in legislative functions, discretionary functions, judicial functions, etc. <i>K.S.A. § 75-6104.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Any person having a claim against a municipality or against an employee of a municipality which could give rise to an action brought under the Kansas tort claims act shall file a written notice pursuant to <i>K.S.A. § 12-105b.</i> • Once notice of the claim is filed, no action shall be commenced until after the claimant has received notice from the municipality that it has denied the claim or until after 120 days has passed following the filing of the notice of claim, whichever occurs first. A claim is deemed denied if the municipality fails to approve the claim in its entirety within 120 days unless the interested parties have reached a settlement before the expiration of that period. No person may initiate an action against a municipality or against an employee of a municipality unless the claim has been denied in whole or part. Any action brought pursuant to the Kansas tort claims act shall be commenced within the time period provided for in the code of civil procedure or it shall be forever barred, except that, a claimant shall have no less than 90 days from the date the claim is denied or deemed denied in which to commence an action. <i>K.S.A. § 12-105b.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • \$500,000 per occurrence. <i>K.S.A § 75-6105.</i> • A governmental entity shall not be liable for punitive or exemplary damages or for interest prior to judgment. <i>K.S.A § 75-6105.</i> |
| KENTUCKY | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • The Board of Claims has exclusive jurisdiction for actions against the state. <i>KRS 44.070 et seq.</i> • <i>KRS 44.073</i> provides sovereign immunity for the following: <ul style="list-style-type: none"> ○ Discretionary acts or decisions ○ Executive decisions ○ Ministerial acts ○ Actions in the performance of obligations running to the public as a whole ○ Governmental performance of a self-imposed protective function to the public or citizens ○ Administrative acts |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • All claims must be filed with the Board of Claims within 1 year from the time the claim for relief accrued. <i>KRS 44.110.</i> • Any claimant whose claim is \$1,000 or greater may within 45 days after receipt of the copy of the report containing the final decision of the board, file a proceeding in the Circuit Court of the county wherein the hearing was conducted to review the decision of the board. <i>KRS 44.140.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • A single claim for the recovery of money or a single award of money shall not exceed \$200,000, exclusive of interest and costs. If a single act of negligence results in multiple claims, the total award may not exceed \$350,000 to be equitably divided among the claimants, but in no case may any claimant individually receive more than \$200,000. <i>KRS 44.070.</i> |
| LOUISIANA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Louisiana Governmental Tort Claims Act, <i>LSA-R.S. §13:5101.</i> • There is qualified immunity for government officials who are performing discretionary functions. <i>LSA-R.S. §9:2798.1.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims must be filed in Louisiana state court. <i>LSA-R.S. §13:5106.</i> • Normal statute of limitations for the specific type of claim. <i>LSA-R.S § 13:5108</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • The total liability of the state and political subdivisions for all damages for personal injury to any one person, including all claims and derivative claims, exclusive of property damages, medical care and related benefits and loss of earnings, and loss of future earnings shall not exceed \$500,000, regardless of the number of suits filed or claims made for the personal injury to that person. <i>LSA-R.S.. § 13:5106.</i> |

| MAINE | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Maine Tort Claims Act, <i>14 Me. Rev. Stat. Ann. § 8101, et seq.</i> • Government entities are immune from tort liability except as expressly provided by the statute. <i>14 Me. Rev. Stat. Ann. §§ 8101.</i> • Exceptions to immunity are set forth in <i>14 Me. Rev. Stat. Ann. § 8104-A</i> including the following: <ul style="list-style-type: none"> ○ Negligent acts/omissions in ownership, maintenance or use of vehicles, machinery and equipment. ○ Negligent acts/omissions in construction, operation or maintenance of public building or appurtenances to any public building (subject to a few exceptions listed in statute). ○ Negligent acts/omissions in the discharge, dispersal, release or escape of pollutants into or upon land, the atmosphere or any water course or body of water. ○ Negligent acts/omissions arising out of and occurring during the performance of construction, street cleaning or repair operations on any highway, town way, sidewalk, parking area, causeway, bridge, airport runway or taxiway, including appurtenances necessary for the control of those ways. • <i>14 Me. Rev. Stat. Ann. § 8104-B</i> provides exceptions to liability under <i>§ 8104-A</i>. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Written notice filed within 180 days of accrual. <i>14 Me. Rev. Stat. Ann. § 8107.</i> • Within 120 days of notice, the governmental entity shall notify the claimant in writing of its approval or denial of claim. A claim shall be deemed to have been denied if there is no action by government entity within the 120 day period. <i>14 Me. Rev. Stat. Ann. § 8108.</i> • Action must be filed within 2 years of accrual or within 2 years of a minor claimant turning 18. <i>14 Me. Rev. Stat. Ann. § 8110.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • \$400,000 per occurrence. <i>14 Me. Rev. Stat. Ann. § 8105.</i> • When a claimant or several claimants believe they may have a claim against the State in excess of the limit established in subsection 1, or for a claim for which the State is immune, they may apply to the Legislature for special authorization to proceed within another specified limit. <i>14 Me. Rev. Stat. Ann. § 8105.</i> |
| MARYLAND | |
| SCOPE OF GOVERNMENT IMMUNITY | <p>Claims against the State: Maryland Tort Claims Act, <i>Md. Code, State Gov't §12-101, et seq.</i></p> <ul style="list-style-type: none"> ○ State immunity is waived in tort actions. <i>Md. Code, State Gov't §12-104.</i> ○ The waiver of the state's immunity is limited by <i>Md. Code, Cts. & Jud. Proc. §5-552.</i> <ul style="list-style-type: none"> • Claims against Local Government Entities: Local Government Tort Claims Act <i>Md. Code Ann., Cts. & Jud. Proc. § 5-301, et seq.</i> <ul style="list-style-type: none"> ○ Under the LGTCA, the plaintiff must name the negligent government employee directly rather than the local government entity. <i>Holloway-Johnson v. Beall</i>, 103 A.3d 720, 727 (Md. 2014). ○ The local government is responsible for any judgment against its employee for damages resulting from tortious acts committed with the scope of employment. <i>Act Md. Code Ann., Cts. & Jud. Proc. § 5-303(b).</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims against the State: A claimant may not institute an action unless: (1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property; (2) the Treasurer or designee denies the claim finally; and (3) the action is filed within 3 years after the cause of action arises. <i>Md. Code, State Gov't §12-106.</i> • Claims against Local Government Entities: Notice of claim within 1 year after the injury as set forth in <i>Md. Code Ann., Cts. & Jud. Proc. § 5-304.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • Claims against the State: \$400,000 to a single claimant for injuries arising from a single incident or occurrence. <i>Md. Code Ann., State Gov't § 12-104.</i> • Claims against Local Government Entities: \$400,000 per claimant and \$800,000 per occurrence. <i>Md. Code Ann., Cts. & Jud. Proc. § 5-3034.</i> |

| MASSACHUSETTS | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Public employers shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment, in the same manner and to the same extent as a private individual under like circumstances, except that public employers shall not be liable to levy of execution on any real and personal property to satisfy judgment. <i>M.G.L.A. 258 § 2.</i> Specific exceptions to public entity liability are listed in in <i>M.G.L.A. 258, § 10.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> A civil action shall not be instituted against a public employer on a claim for damages unless the claimant shall have first presented his claim in writing to the executive officer of such public employer within 2 years after the date upon which the cause of action arose, and such claim shall have been finally denied by such executive officer in writing and sent by certified or registered mail. <i>M.G.L.A. 258, § 4.</i> The failure of the executive officer to deny such claim in writing within 6 months after the date upon which it is presented, or the failure to reach final arbitration, settlement or compromise of such claim according to the provisions of section five, shall be deemed a final denial of such claim. <i>M.G.L.A. 258 § 4.</i> No civil action shall be brought more than 3 years of accrual. <i>M.G.L.A. 258 § 4.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> Not be liable for interest prior to judgment or for punitive damages or for any amount in excess of \$100,000. <i>M.G.L.A. 258 § 2.</i> |
| MICHIGAN | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Governmental Tort Liability Act, <i>MCL 691.1401 et seq.</i> <ul style="list-style-type: none"> Michigan governmental entities are immune from tort liability if the entity is engaged in the exercise or discharge of a governmental function. <i>MCL 691.1407.</i> Immunity of the governmental agency shall not apply to actions to recover for bodily injury or property damage arising out of the performance of a proprietary function. <i>MCL 691.1413.</i> Court of Claims Act, <i>MCL 600.6401 et seq.</i> The Court of Claims has exclusive jurisdiction over claims against the state or its departments. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> For claims against the state, a written claim or written intention of notice to file a claim must be must be filed with the Clerk of the Court of Claims within 1 year of accrual. <i>MCL § 600.6431(1).</i> In all actions for property damage or personal injuries, claimant shall file with the clerk of the court of claims a notice of intention to file a claim or the claim itself within 6 months of accrual. <i>MCL § 600.6431(3).</i> |
| DAMAGE LIMITATION | |
| MINNESOTA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Claims Against the State: <ul style="list-style-type: none"> The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of an employee of the state while acting within the scope of office or employment under circumstances where the state, if a private person, would be liable to the claimant, whether arising out of a governmental or proprietary function. <i>Minn. Stat. §3.736.</i> State and its employees are not liable for excluded acts under <i>Minn. Stat. §3.736(3).</i> Claims against Political Subdivisions: <ul style="list-style-type: none"> Municipalities are subject to liability for their torts or torts of officers, employees and agents acting within the scope of their employment whether arising out of a governmental or proprietary function. <i>Minn Stat. §466.02.</i> Limitations on liability of municipalities are listed <i>Minn Stat. §466.03.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> Claims against the State: Notice within 180 days of loss. <i>Minn. Stat. §3.736(5).</i> Claims against Political Subdivisions: Notice within 180 days of loss. <i>Minn Stat. §466.05.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> Claims against the State: \$500,000 per claimant and \$1,500,000 per occurrence (after July 1, 2009). <i>Minn. Stat. §3.736(4).</i> Claims against Political Subdivisions: \$500,000 per claimant and \$1,500,000 per occurrence (after July 1, 2009). <i>Minn. Stat. §466.04.</i> |

| MISSISSIPPI | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Mississippi Tort Claims Act, <i>Miss. Code Ann. § 11-46-1, et seq.</i> Notwithstanding the immunity granted in Section 11-46-3, or the provisions of any other law to the contrary, the immunity of the state and its political subdivisions from claims for money damages arising out of the torts of such governmental entities and the torts of their employees while acting within the course and scope of their employment is waived from and after July 1, 1993, as to the state, and from and after October 1, 1993, as to political subdivisions. Immunity is preserved for litany of exceptions listed in <i>Miss Code. Ann. § 11-46-9.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> Must file a written notice of a claim with the governmental entity 90 days prior to filing suit. <i>Miss. Code Ann. § 11-46-11(1)-(2).</i> Must also comply with the statute of limitations, which provides that suit must be filed within 1 year after the tortious conduct occurred. <i>Miss. Code Ann. § 11-46-11(3).</i> No action whatsoever may be maintained by the claimant until the claimant receives a notice of denial of claim or the tolling period expires, whichever comes first, after which the claimant has an additional 90 days to file suit; failure to file within the time allowed is an absolute bar to any further proceedings. <i>Miss. Code Ann. § 11-46-11(3)(b).</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> \$500,000 per occurrence. <i>Miss. Code Ann. § 11-46-15.</i> |
| MISSOURI | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Sovereign immunity is waived for tort claims in the following situations: <i>Mo. Ann. Stat. §537.600.</i> <ul style="list-style-type: none"> (1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment; (2) Injuries caused by the dangerous condition of a public entity's property if the plaintiff establishes certain elements. Sovereign immunity can be waived by the purchase of liability insurance that covers torts. <i>Mo. Ann. Stat. §537.610.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> For claims against city relating to condition of bridge, street or sidewalk, written notice must be provided to the mayor of the city within 90 days of the occurrence. <i>Mo. Ann. Stat. § 82.210.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> \$300,000 per claimant and \$2,000,000 per occurrence. <i>Mo. Ann. Stat. §537.610.</i> No punitive or exemplary damages. <i>Mo Ann. Stat. §537.610.</i> |
| MONTANA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Every governmental entity is subject to liability for its torts and those of its employees acting within the scope of their employment or duties whether arising out of a governmental or proprietary function except as provided by law. <i>MCA 2-9-102.</i> Specific immunities are set forth in <i>MCA 2-9-108 – MCA 2-9-114.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> A complaint may not be filed in district court unless the claimant has first presented the claim in writing to the department of administration and the department has finally denied the claim. The department must grant or deny the claim in writing within 120 days after the claim is presented to the department. The failure of the department to make final disposition of a claim within 120 days after it is presented to the department must be considered a final denial of the claim for purposes of this subsection. Upon the department's receipt of the claim, the statute of limitations on the claim is tolled for 120 days. <i>MCA 2-9-301.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> \$750,000 for each claim and \$1,500,000 for each occurrence. <i>MCA 2-9-108.</i> The state and other governmental entities are immune from exemplary and punitive damages. <i>MCA 2-9-105.</i> |

| NEBRASKA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • For claims Against State: State Tort Claims Act, <i>Neb. Rev. Stat. § 81-8,209 et seq.</i> <ul style="list-style-type: none"> ○ The State is liable in the same manner and to the same extent as a private individual. <i>Neb. Rev. Stat. § 81-8,215.</i> ○ Limitations on State liability are listed at <i>Neb. Rev. Stat. § 81-8,219.</i> • For claims Against Political Subdivisions: Political Subdivisions Tort Act, <i>Neb. Rev. Stat. § 13-901 et seq.</i> <ul style="list-style-type: none"> ○ Subdivisions are liable in the same manner and to the same extent as a private individual. <i>Neb. Rev. Stat. § 13-908.</i> ○ Limitations on Political Subdivision liability are listed in <i>Neb. Rev. Stat. § 13-910.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • For claims against the State: <ul style="list-style-type: none"> ○ All tort claims filed with the Risk Manager as prescribed by the State Claims Board. <i>Neb. Rev. Stat. § 81-8,212.</i> ○ No suit shall be permitted unless the Risk Manager or State Claims Board has made final disposition of the claim, except that if the Risk Manager or board does not make final disposition of a claim within 6 months after the claim is made in writing and filed with the Risk Manager in the manner prescribed by the board, the claimant may, by notice in writing, withdraw the claim from consideration of the Risk Manager or board and begin suit under such act. <i>Neb. Rev. Stat. § 81-8,213.</i> ○ Claims must be to the Risk Manager within 2 years of accrual. The time to begin suit is extended by 6 months from the date of mailing of notice to the claimant by the Risk Manager or State Claims Board as to the final disposition of the claim or from the date of withdrawal of the claim under section 81-8,213 if the time to begin suit would otherwise expire before the end of such period. <i>Neb. Rev. Stat. § 81-8,227.</i> • For claims against Political Subdivisions: <ul style="list-style-type: none"> ○ Notice of claim to governing body within 1 year of accrual. Suit filed within 2 years of accrual. The time to file suit is extended 6 months from the date of mailing of notice to the claimant by the governing body as to the final disposition of the claim or from the date of withdrawal of the claim from the governing body under section 13-906 if the time to begin suit would otherwise expire before the end of such period. <i>Neb. Rev. Stat. § 13-919.</i> ○ No suit shall be permitted under the Political Subdivisions Tort Claims Act unless the governing body of the political subdivision has made final disposition of the claim, except that if the governing body does not make final disposition of a claim within six months after it is filed, the claimant may, by notice in writing, withdraw the claim from consideration of the governing body and begin suit under such act and sections. <i>Neb. Rev. Stat. § 13-906.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • For claims against Political Subdivisions: \$1,000,000 per person and \$5,000,000 per occurrence. <i>Neb. Rev. Stat. § 13-926.</i> |
| NEVADA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Except as otherwise provided by statute, the state of Nevada and its political subdivisions waive immunity. <i>Nev. Rev. Stat. §41.031.</i> • Limitations to the waiver of immunity are found in <i>Nev. Rev. Stat. §§41.031-41.0337.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • A claim against the state must be filed with the Attorney General’s office within 2 years of accrual. <i>Nev. Rev. Stat. §41.036(1).</i> • A claim against a political subdivision must be filed with the subdivision within 2 years of accrual. <i>Nev. Rev. Stat. §41.036(2).</i> • Filing a claim against state or subdivision is not a condition precedent to filing a lawsuit. <i>Nev. Rev. Stat. §41.036(3).</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • \$100,000.00, exclusive of interest computed from the date of judgment. <i>Nev. Rev. Stat. §41.035.</i> • An award may not include any amount as exemplary or punitive damages. <i>Nev. Rev. Stat. §41.035.</i> |
| NEW HAMPSHIRE | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • For claims against the State: Limitations of waiver of immunity set forth in <i>N.H. REV. STAT. ANN. § 541-B:19.</i> • For claims against Political Subdivisions: <ul style="list-style-type: none"> ○ No governmental unit may be held liable for personal injury or property damage except as provided by statute. <i>N.H. REV. STAT. ANN. § 507-B:5.</i> ○ A governmental unit may be held liable for damages in an action to recover for bodily injury, personal injury or property damage caused by its fault or by fault attributable to it, arising out of ownership, occupation, maintenance or operation of all motor vehicles or premises. <i>N.H. REV. STAT. ANN. § 507-B:2.</i> |

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| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • For claims against the State: <i>N.H. REV. STAT. ANN. § 541-B:14</i> <ul style="list-style-type: none"> ○ Any claim shall be brought within 3 years of the date of the alleged injury. ○ Written notice must be provided within 180 days of the injury. • For claims against Political Subdivisions: <i>N.H. REV. STAT. ANN. § 507-B:7.</i> <ul style="list-style-type: none"> ○ Actions against governmental units must be commenced within 3 years after the time of injury or damage. ○ Notice must be provided to the clerk of the governmental unit within 60 days of discovery of injury. |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • For claims against the State: \$475,000 per claimant and \$3,750,000 per occurrence, or the proceeds from any insurance policy procured pursuant to RSA 507-B, whichever amount is greater <i>N.H. REV. STAT. ANN. § 541-B:14.</i> • For claims against Political Subdivisions: \$275,000 per claimant and \$925,000 per occurrence. <i>N.H. REV. STAT. ANN. § 507-B:4.</i> |
| <p>NEW JERSEY</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • New Jersey Tort Claims Act, <i>N.J. Stat. Ann. 59:1-1 et seq.</i> • A public entity is liable for injury proximately caused by an act or omission of a public employee within the scope of his employment in the same manner and to the same extent as a private individual under like circumstances. <i>N.J. Stat. Ann.. 59:2-2.</i> • Limitations on liability of public entities are set forth in <i>N.J. Stat. Att.. 59:2-3 – 59:2-11.</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • A claim for personal injury or property damage shall be presented to the public entity within 90 days of accrual. Suit can be filed 6 months after notice is received. <i>N.J. Stat. Ann. 59:8-8.</i> • Suit must be filed within 2 years of accrual. <i>N.J. Stat. Ann. 59:8-8.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • No punitive or exemplary damages shall be awarded against a public entity. <i>N.J. Stat. Ann 59:19-2.</i> |
| <p>NEW MEXICO</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • Tort Claims Act <i>NMSA 1978 § 41-4-1, et seq.</i> • A cause of action against a governmental entity and employees must fit within one of the exceptions to the statutory immunity specifically granted by the Tort Claims Act including but not limited to the following: <ul style="list-style-type: none"> ○ Operating or maintaining any motor vehicle, aircraft or watercraft. <i>NMSA 1978 §41-4-5.</i> ○ Operating or maintaining buildings, public parks, machinery, equipment or furnishings <i>NMSA 1978 §41-4-6.</i> ○ Operating certain public utilities and services such as gas, electric, water, waste collection or disposal, heating, and ground transportation. <i>NMSA 1978 §41-4-8.</i> ○ Constructing and maintaining any bridge, culvert, highway, roadway, street, alley, sidewalk or parking area. <i>NMSA 1978 §41-4-11.</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • Written notice of claim within 90 days of occurrence. <i>NMSA 1978 §41-4-16.</i> • Suit must be filed within 2 years of occurrence. <i>NMSA 1978 §41-4-15.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • <i>NMSA 1978 §41-4-19</i> provides the following dollar limitations: <ul style="list-style-type: none"> ○ (1) \$200,000 for damage to or destruction of property arising out of a single occurrence; ○ (2) \$300,000 for all past and future medical and medically-related expenses arising out of a single occurrence; ○ (3) \$400,000 to any person for any number of claims arising out of a single occurrence for all damages other than property damage and medical and medically-related expenses; ○ (4) \$750,000 for all claims other than medical or medically-related expenses arising out of a single occurrence; ○ (5) Judgments may not include an award of exemplary or punitive damages, or interest prior to judgment. |

| NEW YORK | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims Against State. N.Y. Court of Claims Act <ul style="list-style-type: none"> ○ States waives its immunity from liability and consents to have the same determined in accordance with the same rules of law as applied to actions in the Supreme Court against individuals or corporations, provided the claimant complies with conditions set out in the statute. <i>NY Ct. Clms § 8.</i> ○ Court of Claims has exclusive jurisdiction over claims against state or state related entities but has not jurisdiction over any city, county or town governmental entity. • Claims against Political Subdivisions. Although New York waived sovereign immunity on behalf of itself and its municipal subdivisions, the common-law doctrine of governmental immunity continues to shield public entities from liability for discretionary actions taken during the performance of governmental functions.” <i>Valdez v. City of N.Y.</i>, 960 N.E.2d 356, 361 (N.Y. 2011). |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • For tort claims against state. Claim must be filed and served upon the attorney general or written notice of intention to file a claim served on the attorney general within 90 days of accrual. <i>NY Ct. Clm. § 10.</i> • For breach of contract claims against the state. Claim must be filed and served upon the attorney general or written notice of intention to file a claim served on the attorney general within 6 months of accrual. <i>NY Ct. Clms § 10.</i> • Specific requirements filing claim or notice of intention to file a claim are found in <i>NY Ct. Clms § 11.</i> |
| DAMAGE LIMITATION | |
| NORTH CAROLINA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims against the State: North Carolina State Tort Claims Act, <i>N.C. Gen. Stat. § 143-291, et. seq.</i> <ul style="list-style-type: none"> ○ North Carolina Industrial Commission generally has jurisdiction over claims subject to the State Tort Claims Act. ○ The Act waives the State’s immunity for all types of negligence within the scope of employment, so long as there no contributory negligence on the part of the claimant. • Claims against Local Government Entities. <ul style="list-style-type: none"> ○ Cities, towns and counties waive their immunity by the purchase of liability insurance, but the state does not. <i>N.C. Gen. Stat. § 160A-485 & § 153A-435.</i> ○ Local government has immunity for acts committed in its governmental capacity, but not when it engages in proprietary activity (subject to certain case law exceptions). |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claim against state must be filed with Industrial Commission within 3 years after accrual. <i>N.C. Gen. Stat. § 143-299.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • The maximum amount that the State may pay cumulatively to all claimants on account of injury and damage to any one person arising out of any one occurrence shall be one million dollars (\$1,000,000), less any commercial liability insurance purchased by the State and applicable to the claim. <i>N.C. Gen. Stat. § 143-299.2.</i> |
| NORTH DAKOTA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims against the State: The state may only be held liable for money damages for an injury proximately caused by the negligence or wrongful act or omission of a state employee acting within the employee’s scope of employment under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or an injury caused from some condition or use of tangible property under circumstances in which the state, if a private person, would be liable to the claimant. However, there are exceptions to this waiver of immunity. <i>N.D. Cent. Code §32-12.2-02.</i> • Claims against Political Subdivisions: Each political subdivision is liable for money damages for injuries when the injuries are proximately caused by the negligence or wrongful act or omission of any employee acting within the scope of the employee’s employment or office under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or injury caused from some condition or use of tangible property, real or personal, under circumstances in which the political subdivision, if a private person, would be liable to the claimant. However, there are exceptions to this waiver of immunity. <i>N.D. Cent. Code §32-12.1-03.</i> |

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| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • For claims against the State <ul style="list-style-type: none"> ○ Action must be commenced within 3 years of accrual. <i>N.D. Cent. Code §28-01-22.1.</i> ○ Written notice of claim must be presented within 180 days of discovery of injury. <i>N.D. Cent. Code §32-12.2-04.</i> • For claims against Political Subdivisions <ul style="list-style-type: none"> ○ Action must be commenced within 3 years of accrual. <i>N.D. Cent. Code §32-12.1-10.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • For claims against the State: \$250,000 per person and \$1,000,000 per occurrence. <i>N.D. Cent. Code §32-12.2-02.</i> • For claims against Political Subdivisions: \$250,000 per person and \$1,000,000 per occurrence. <i>N.D. Cent. Code §32-12.1-03.</i> |
| <p>OHIO</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • For claims against the State: <i>Ohio Rev. Code Ann. §§ 2743 et seq.</i> <ul style="list-style-type: none"> ○ Creates Court of Claims for suits against the State. ○ <i>Ohio Rev. Code Ann. § 2743.02</i> sets forth circumstances under which a state entity may be liable for damages. • For claims against Political Subdivisions: <i>Ohio Rev. Code Ann. § 2744 et seq.</i> <ul style="list-style-type: none"> ○ A political subdivision is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of the political subdivision or an employee of the political subdivision in connection with a governmental or proprietary function. <i>Ohio Rev. Code Ann. §2744.02.</i> ○ A political subdivision waives its immunity for the following: <i>Ohio Rev. Code Ann. §2744.02:</i> <ul style="list-style-type: none"> ▪ (1) negligent operation of any motor vehicle. ▪ (2) negligent performance of proprietary functions. ▪ (3) negligent failure to keep public roads in repair and other negligent failure to remove obstructions from public roads. ▪ (4) negligence of employees and that occurs within or on the grounds of, and is due to physical defects within or on the grounds of, buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses. ▪ (5) when civil liability is expressly imposed upon the political subdivision by a section of the Revised Code, including, but not limited to, sections 2743.02 and 5591.37 of the Revised Code. |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • For claims against the State: Action must be brought within 2 years of accrual. <i>Ohio Rev. Code Ann. § 2743.16.</i> • For claims against a Political Subdivision: Action must be brought within 2 years of accrual. <i>Ohio Rev. Code Ann. § 2744.04.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • For claims against a Political Subdivision, except for wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed \$250,000. <i>Ohio Rev. Code Ann. § 2744.05.</i> |
| <p>OKLAHOMA</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • Governmental Tort Claims Act, <i>Okla. Stat. Ann. § 152.1, et seq.</i> • The State may be held liable for damages under the act in cases where a private person or entity would be liable under Oklahoma law for torts occurring within the scope of employment. <i>Okla. Stat. Ann. § 153.</i> • There are thirty-seven (37) specifically enumerated areas in which the State cannot be held liable. <i>Okla. Stat. Ann. § 155.</i> • Government entities are not liable for subrogation. <i>Okla. Stat. Ann. § 155(28).</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • For claim against the State, written notice presented to the Office of Risk Management within 1 year of loss. <i>Okla. Stat. Ann. § 156.</i> • For claim against a political subdivision, written noticed filed with the office of the clerk of the governing body. A person may not initiate suit against a political subdivision unless the claim has been denied. A claim is deemed denied if the state or political subdivision fails to approve the claim in its entirety within 90 days. <i>Okla. Stat. Ann. § 157.</i> • A cause of action allowed under the Governmental Tort Claims Act must then be filed within 180 days after denial of the claim, or within two 2 years from the date of loss. <i>Okla. Stat. Ann. § 157.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • Property damages are capped at \$25,000 per claim. <i>Okla. Stat. Ann. § 154.</i> • Other damages are capped at \$125,000 per claim. <i>Okla. Stat. Ann. § 154.</i> • No punitive or exemplary damages may be awarded against the State. <i>Okla. Stat. Ann. § 154(C).</i> |

| OREGON | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Subject to limitations/exclusions in the statute, every public body is subject to civil action for its torts and those of its officers, employees and agents acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function. <i>O.R.S. § 30.271.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Notice of claim within 1 year of injury for wrongful death and within 180 days of injury for other claims. <i>O.R.S. § 30.275.</i> • An action must be commenced within 2 years after the alleged loss or injury. <i>O.R.S. § 30.275.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • For property damage, \$100,000 per claimant and \$500,000 per occurrence. <i>O.R.S. § 30.273.</i> • For personal injury, dollar limitations for claims against state vary based on when cause of action arose. <i>O.R.S. § 30.271.</i> • For personal injury, dollar limitations for claims against local public entities vary based on when cause of action arose <i>O.R.S. §30.272.</i> |
| PENNSYLVANIA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • For claims against the State. Pennsylvania waives sovereign immunity for damages for certain specified acts including the following: <i>42 Pa. C.S.A. § 8522.</i> <ul style="list-style-type: none"> ○ Operation of motor vehicle ○ Medical professional liability ○ Care, custody or control of personal property ○ Dangerous condition of real estate, highways and sidewalks ○ Care custody or control of animals ○ Liquor store sales ○ National Guard activities ○ Toxoids and vaccines • For claims against Local Agencies: A local agency shall be liable for damages under certain specified acts including the following: <i>42 Pa. C.S.A.. § 8542.</i> <ul style="list-style-type: none"> ○ Operation of motor vehicle ○ Care custody and control of personal property ○ Care custody and control of real property ○ Dangerous conditions of trees, traffic signs, lights or other traffic controls ○ Dangerous conditions of facilities of steam, sewer, water, gas or electric systems ○ Dangerous condition of streets ○ Dangerous conditions of sidewalks ○ Care custody or control of animals |
| NOTICE AND FILING REQUIREMENTS | |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • For claims against the State: \$250,000 per claimant and \$1,000,000 per occurrence. <i>421 Pa. C.S.A. § 8528.</i> • For claims against Local Agencies: \$500,000 per occurrence. <i>42 Pa. C.S.A. § 8553.</i> |
| RHODE ISLAND | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • The state of Rhode Island and any political subdivision thereof, including all cities and towns, shall be liable in all actions of tort in the same manner as a private individual or corporation. <i>R.I. GEN. LAWS § 9-31-1.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Within 3 years from the effective date of the special act giving rise to cause of action and or accrual of any claim of tort. <i>R.I. Gen. Laws § 9-1-25.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • For tort action against the state: \$100,000. <i>R.I. Gen.Laws § 9-31-2.</i> • For tort action against any city or town or any fire district: \$100,000. <i>R.I. Gen.Laws § 9-31-3.</i> |

| SOUTH CAROLINA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • South Carolina Tort Claims Act, <i>S.C. Code Ann. § 15-78-10 et seq.</i> • The State, an agency, a political subdivision, and a governmental entity are liable for their torts in the same manner and to the same extent as a private individual under like circumstances, subject to the limitations upon liability and damages and exemption in Act • There are forty listed exceptions to the waiver of immunity. <i>S.C. Code Ann. § 15-78-60.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Suit must be filed within 2 years after the loss is discovered. However, while notice is not a prerequisite to filing suit, § 15-78-110 states that if notice of the claim is first filed with the appropriate agency, then the limitations period is 3 years. • Whether or not the claim is filed, the claimant is entitled to institute an action against the appropriate agency or political subdivision. Provided, however, if a claimant files a claim, he may not institute an action until after the occurrence of the earliest of one of the following three events: (1) the passage of one hundred eighty days from the filing of the claim with the governmental entity, (2) the governmental entity's disallowance of the claim, or (3) the governmental entity's rejection of a settlement offer. <i>S.C. Code Ann. § 15-78-90.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • Tort cap per claimant is \$300,000 and the tort cap per occurrence is \$600,000. <i>S.C. Code Ann. § 15-78-120.</i> |
| SOUTH DAKOTA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • <i>SDCL § 21-32-1 et seq.</i> • Creates Office of Commissioner of Claims • To the extent liability insurance is purchased pursuant to § 21-32-15 and to the extent coverage is afforded thereunder, the state shall be deemed to have waived the common law doctrine of sovereign immunity and consented to suit in the same manner that any other party may be sued. <i>SDCL § 21-32-16.</i> • Except as provided above, any employee, officer, or agent of the state, while acting within the scope of his employment or agency, whether such acts are ministerial or discretionary, is immune from suit or liability for damages brought against him in either his individual or official capacity. <i>SDCL § 21-32-17.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Action on any claim on contract or tort against the state shall be commenced within 1 year of accrual. <i>SDCL § 21-32-2.</i> • For waiver of sovereign immunity pursuant to the purchase of liability insurance to be effective in an action against a state official, employee, or agent; notice of the action shall be given to the attorney general as provided in § 15-6-4(d). The attorney general shall within 30 days after the receipt of service, sign and date the admission of service and mail it to the sender. <i>SDCL § 21-32-18.</i> |
| DAMAGE LIMITATION | |
| TENNESSEE | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Claims against the State: Tennessee Claims Commission has exclusive jurisdiction to hear claims against the state. State's sovereign immunity is waived for certain listed acts including but not limited to the following: <i>Tenn. Code Ann. § 9-8-307.</i> <ul style="list-style-type: none"> ○ Negligent operation of motor vehicle or machinery ○ Nuisances created or maintained ○ Negligently created or maintained dangerous conditions ○ Negligent care, custody or control of persons, personal property or animals • Claims against a Political Subdivision: Tennessee Governmental Tort Liability Act, <i>Tenn. Code Ann. § 29-20-101.</i> <ul style="list-style-type: none"> ○ Grants general immunity from tort liability to counties, municipalities, and other local governmental entities, but does not apply to claims against the State, its agencies or departments. ○ The Act waives immunity in limited and specified instances including: <ul style="list-style-type: none"> ▪ Operation of motor vehicle. <i>Tenn. Code Ann. § 29-20-202(a).</i> ▪ Defective, unsafe or dangerous condition of roadway or sidewalk. <i>Tenn. Code Ann. § 29-20-203(a).</i> ▪ Dangerous conditions in public structures or improvements. <i>Tenn. Code Ann. § 29-20-204(a).</i> ○ The Act also provides a list of acts for which immunity is not waived. <i>Tenn. Code Ann. § 29-20-205.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims against State: Written Notice to claims administration within 1 year of injury. The filing of the notice by the claimant tolls all statutes of limitations as to other persons potentially liable to the claimant due to the occurrence from which the claim before the commission arises. <i>Tenn. Code Ann. § 9-8-402.</i> • Claims against Political Subdivisions, an action must be brought within 12 months of accrual. <i>Tenn. Code Ann. § 29-20-305.</i> |

Jurisdictions Comparative Chart: Limitations and Notice Requirements for Tort Claims Against Government Entities

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| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • Claims against the State: \$300,000 dollars per claimant and \$1,000,000 per occurrence or up to insurance policy limits if in excess of that.. <i>Tenn. Code Ann. § 9-8-307.</i> • Claims against Political Subdivisions: <ul style="list-style-type: none"> ○ Judgment or award may not exceed the government entities insurance coverage. <i>Tenn. Code Ann. §29-20-311.</i> ○ Minimum requirements for government liability insurance are set forth in <i>Tenn. Code Ann. §29-20-403.</i> |
| <p>TEXAS</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • Texas Tort Claims Act, <i>Tex. Civ. Prac. & Rem. Code §§ 101.001– 101.109.</i> • A government unit (excluding municipalities) is liable for damages caused by operation of a motor vehicle or equipment or the condition or use of tangible personal or real property if a private person would be liable for that conduct. <i>Tex. Civ. Prac. & Rem. Code §§ 101.021.</i> • Municipality is liable for damages arising from its governmental functions, but not from its proprietary functions. There are 36 listed examples of governmental functions municipalities can be held liable for. <i>Tex. Civ. Prac. & Rem. Code § 101.0215.</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • Notice to governmental unit within 6 months after the date of the incident. <i>Tex. Civ. Prac. Rem. Code §§ 101.101.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • Claims against State: \$250,000 per claimant and \$500,000 per occurrence for bodily injury or death and \$100,000 per occurrence for injury to or destruction of property. <i>Tex. Civ. Prac. Rem. Code § 101.023.</i> • Claims against Local Government/Municipalities : \$100,000 per claimant and \$300,000 for per occurrence for bodily injury or death and \$100,000 per occurrence for injury to or destruction of property. <i>Tex. Civ. Prac. Rem. Code § 101.023.</i> |
| <p>UTAH</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • Governmental Immunity Act of Utah, <i>U.C.A. § 63G-7-101 et seq.</i> • Limited waiver of immunity in specified situations laid out in the statute. <i>U.C.A. 1953 § 63G-7-201.</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • Must file written notice within 1 year of accrual. <i>Utah Code Ann.. § 63G-7-401.</i> • Within 60 days of the filing of a notice of claim, the governmental entity or its insurance carrier shall inform the claimant in writing that the claim has either been approved or denied. A claim is considered to be denied if, at the end of the 60-day period, the governmental entity has failed to approve or deny the claim. Once the notice of the claim to the government entity is either denied by the government entity or not responded to after 60 days, suit can be brought. The claimant has one year after the denial of the claim by the government entity or after the 60 day period ends to bring the action. <i>Utah Code Ann. §§63-G-7-401, 402, 403.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • A judgment for property damages is limited to \$233,600 for a single occurrence. <i>Utah Code Ann. § 63G-7-604(1)(c).</i> • A judgment for personal injury is limited to \$583,900 for a single occurrence. <i>Utah Code Ann. § 63G-7-604(1)(a).</i> • \$2,000,000 limit to the aggregate amount of individual awards that may be awarded in relation to a single occurrence. <i>Utah Code Ann. § 63G-7-604(1)(d).</i> |
| <p>VERMONT</p> | |
| <p>SCOPE OF GOVERNMENT IMMUNITY</p> | <ul style="list-style-type: none"> • For claims against the State: Vermont Tort Claims Act (VTCA), <i>Vt. Stat. Ann. tit. 12, §§ 5601-5606.</i> <ul style="list-style-type: none"> ○ The State and its employees are liable under the same circumstances, in the same manner and to the same extent as a private person would be liable to the claimant except that the claimant shall not have the right to levy execution on any property of the state to satisfy any judgment. <i>Vt. Stat. Ann. tit. 12, § 5601.</i> ○ Specific Exceptions to government liability are listed at <i>Vt. Stat. Ann. tit. 12, §5601.</i> • For claims against Municipalities: <ul style="list-style-type: none"> ○ Courts have held municipalities liable only where the negligent act arises out of a duty that is proprietary in nature as opposed to governmental. <i>Hillerby v. Town of Colchester, 167 Vt. 270, 272, 706 A.2d 446, 447 (1997)</i> |
| <p>NOTICE AND FILING REQUIREMENTS</p> | <ul style="list-style-type: none"> • Small claims (\$2,000 or less) actions against the State must be filed within 18 months. <i>Vt. Stat. Ann. Tit. §32-932.</i> |
| <p>DAMAGE LIMITATION</p> | <ul style="list-style-type: none"> • The maximum liability of the State shall be \$500,000.00 to any one person and the maximum aggregate liability shall be \$2,000,000.00 to all persons arising out of each occurrence. <i>Vt. Stat. Ann. tit. 12, §5601.</i> |

| VIRGINIA | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> Virginia Tort Claims Act, <i>Va. Code § 8.01-195.1, et seq.</i> provides a limited waiver of the Commonwealth’s sovereign immunity where claims arise out of “damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee while acting within the scope of his employment under circumstances where the Commonwealth or transportation district, if a private person, would be liable to the claimant for such damage, loss, injury or death.” The Tort Claims Act does not waive, “remove or in any way diminish the sovereign immunity of any county, city or town in the Commonwealth.” <i>Va. Code § 8.01-195.3.</i> Municipal corporations are immune from liability “when performing governmental functions, but are not when exercising proprietary functions.” <i>T Jean Moreau & Assocs. v. Health Ctr. Comm’n, 720 S.E.2d 105, 110 (Va. 2012).</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> For claims against state, notice within 1 year of accrual. <i>Va. Code § 8.01-195.6.</i> Suit within 18 months of filing notice. <i>Va. Code § 8.01-195.7.</i> For claims against counties, cities, or towns, notice within 6 months of accrual. <i>Va. Code § 15.2-209.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> \$100,000 or the maximum limits of any liability policy maintained to insure against such negligence or other tort, if such policy is in force at the time of the act or omission complained of, whichever is greater, exclusive of interest and costs. <i>Va. Code § 8.01-195.3.</i> |
| WASHINGTON | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> For claims against the State: <i>R.C.W. § 4.92.</i> Whether acting in its governmental or proprietary capacity, state shall be liable for damages arising out of its tortious conduct to same extent as if it were a person. <i>R.C.W. § 4.92.090.</i> For claims against Political Subdivisions: <i>R.C.W. § 4.96.</i> Local governmental entities, whether in a governmental or proprietary capacity, shall be liable for damages arising out of tortious conduct, or the tortious conduct of their past or present officers, employees, or volunteers while performing or in good faith claiming to perform their official duties, to the same extent as if they were a person. <i>R.C.W. § 4.96.010.</i> |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> For claims against the State: <ul style="list-style-type: none"> Claim presented to the office of risk management on the standard tort claim form that is maintained by the office of risk management. <i>R.C.W. § 4.92.100.</i> Suit cannot be filed until 60 calendar days after the filing of the standard tort claim form. <i>R.C.W. § 4.92.110.</i> For claims against Political Subdivisions: <ul style="list-style-type: none"> Claim presented on standard tort claim form to the appointed agent of the local government entity within the applicable period of limitations within which an action must be commenced. <i>R.C.W. § 4.96.020.</i> Suit cannot be filed until 60 calendar days after the filing of the Standard Claim Form. <i>R.C.W. § 4.96.020.</i> |
| DAMAGE LIMITATION | |
| WEST VIRGINIA | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> For claims against State: Article VI, Section 35 of the West Virginia Constitution provides that “The State of West Virginia shall never be made defendant in any court of law or equity. Courts have carved out exceptions to absolute grant of immunity including suits that seek recovery under and up to the state’s liability insurance coverage. <i>See, e.g., Univ. of W. Virginia Bd. of Trustees ex rel. W. Virginia Univ. v. Graf, 205 W. Va. 118, 123, 516 S.E.2d 741, 746 (1998).</i> For claims against Political Subdivisions: the Governmental Tort Claims and Insurance Reform Act. <i>W. Va. Code §29-12A.</i> A political subdivision is liable in damages in a civil action for injury, death, or loss to persons or property allegedly caused by an act or omission of the political subdivision or of any of its employees in connection with a governmental or proprietary functions as set forth in the statute. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> For political subdivision: 2 years after the cause of action arose or after the injury, death or loss was discovered or reasonably should have been discovered, whichever last occurs or within any applicable shorter period of time. <i>W. Va. Code §29-12A-6.</i> |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> There shall not be any limitation on compensatory damages that represent the economic loss of the person who is awarded the damages. However, damages awarded that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences that represent noneconomic loss shall not exceed \$500,000. <i>W. Va. Code §29-12A-7.</i> |

| WISCONSIN | |
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| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • The “State of Wisconsin, including its arms and agencies, is immune from suit except where the legislature has expressly consented to be sued.” <i>Happersett v. Bird</i>, 222 Wis. 2d 624 (Wis. Ct. App. 1998). • There is no blanket waiver of the State’s immunity from tort, and claims against employees of the states are allowed only as set forth in <i>Wis. Stat. § 893.82</i>. Other claims likely have to be explored on a case by case basis. See, e.g., <i>Hoops Enters., III, LLC v. Super Western, Inc.</i>, 2013 WI App 7 (2012) (discussing <i>Wis. Stat. §§ 32.10, 32.18 & 88.87</i>). |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Claims against state employees, written notice must be served on attorney general within 120 days of incident. <i>Wis Stat. § 893.82</i>. • Claims against volunteer fire company, political corporation, governmental subdivision or agency, written notice must be served within 120 days of incident. <i>Wis Stat. § 893.80(a)</i>. |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • The amount recoverable by any person in tort against any volunteer fire company, political corporation, governmental subdivision or agency thereof shall not exceed \$50,000. <i>Wis. Stat. § 893.80(3)</i>. • The amount recoverable by any person against a state officer or employee shall not exceed \$250,000. <i>Wis. Stat. § 893.82(6)</i>. |
| WYOMING | |
| SCOPE OF GOVERNMENT IMMUNITY | <ul style="list-style-type: none"> • Wyoming Governmental Claims Act, <i>W.S. §1-39-101, et seq.</i> • Governmental entities and their employees are immune from tort liability except as set forth in the statute. <i>W.S. §1-39-104</i>. • Immunity is waived if the claim for damages results from: <ul style="list-style-type: none"> ○ Operation of any motor vehicle, aircraft or watercraft. <i>W.S. §1-39-105</i>. ○ Operation of any building, recreation area or public park. <i>W.S. §1-39-106</i>. ○ Operation of an airport. <i>W.S. §1-39-107</i>. ○ Operation of public utilities and services, including gas, electricity, water, solid or liquid waste collection or disposal, heating and ground transportation. <i>W.S. §1-39-108</i>. ○ Operation of a hospital. <i>W.S. §1-39-109</i>. ○ Negligence of health care providers who are employees of the governmental entity. <i>W.S. §1-39-110</i> ○ Tortious conduct of peace officers. <i>W.S. §1-39-112</i>. • Exclusions from the waiver of liability are listed at <i>W.S. 1-39-120</i>. |
| NOTICE AND FILING REQUIREMENTS | <ul style="list-style-type: none"> • Governmental Agencies: Written notice within 2 years. <i>Wyo. Stat. Ann. §1-39-113</i>. • Suit filed within 1 year of written notice. <i>Wyo. Stat. Ann. §1-39-114</i>. |
| DAMAGE LIMITATION | <ul style="list-style-type: none"> • \$250,000.00 per claimant or \$500,000.00 per occurrence. <i>Wyo. Stat. Ann. §1-39-118</i>. |

Note: This document is intended to provide a general overview of the laws enacted in each state. Many of the statutes listed are complex, and do not lend themselves to a concise summary. Also, while we have made every effort to verify the accuracy of the materials summarized as of the date indicated, these statutes and cases are subject to revision, amendment and modification, as well as to differing court interpretations. It therefore is intended that this document should serve only as a guideline, for purposes of general reference, and is not a substitute for legal advice from a qualified attorney. Please feel free to contact any Cozen O’Connor attorney for additional information and assistance.