

## Tort Claims Against Government Agencies

There are special rules that apply to claims against state or local government agencies, which are set out in a statute called the Idaho Tort Claims Act. This statute can be found at Idaho Code §§6-901 to -929 online at: <https://legislature.idaho.gov/statutesrules/idstat/Title6/T6CH9/>.

If your claim is against a state or local government agency, or against an employee of the agency for acts done by the employee acting in the course and scope of employment, you must comply with this statute.

### Notice of Tort Claim

Before you file your claim in court, you must file a claim with the agency, called a Notice of Tort Claim. You can write a letter, or use the attached form. The Notice of Tort Claim must contain the following information:

1. Name and residence address of the person making the claim;
2. Date, time, location of the incident;
3. Description of circumstances, actions, and/or conduct which gave rise to the incident;
4. Description of any damage or injury resulting from the incident; and,
5. Repair estimates (2), bills, or other documentation of damages.

A Notice of Claim must be filed within **180 days** from the date the claim arose or should have been reasonably discovered. The Notice must be filed with the Clerk of the city or county your claim is against, or, if your claim is against the state, filed with the Secretary of State. You can find the appropriate addresses online, or you can call your city/county for the right address.

After a claim is filed with the agency, the agency has a certain amount of time in which to decide whether to pay or deny the claim. Also, there are some types of claims from which a governmental agency is "excepted from liability" - which means there are some types of claims for which a governmental agency can't be sued for damages. These exceptions from liability are also listed in the statute.

### Court Procedure

A tort claim against a state or local governmental agency must be filed with the court in the county where the plaintiff lives, unless the plaintiff lives out of state. If the plaintiff lives out of state, then the claim must be filed in the county where the claim arose. Service of process must be made on the state or local government agency that is named as a defendant, and service of process must also be made by certified or registered mail to the Idaho Attorney General.

# Notice of Tort Claim

## FOR PROPERTY DAMAGE OR BODILY INJURY

This form is to be completed by the claimant and is a requirement that if used, be presented to and filed with the clerk or secretary of the public entity involved. This form is being provided as a courtesy to assist you in filing your claim. Providing this form to you is not an admission, nor shall it be construed to be an admission, of liability or an acknowledgement of the validity of a claim by the political subdivision. Legal requirements for filing claims can be found in the Idaho Code: Title 6. Chapter 9. All claims must be filed promptly and in writing.

### CLAIMANT INFORMATION: (PLEASE PRINT)

1. Full Name: \_\_\_\_\_

2. Current Address/City/State/Zip: \_\_\_\_\_

3. Mailing Address (if different): \_\_\_\_\_

4. Claimant phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Address for six months prior to the date of damage or injury: \_\_\_\_\_

6. Date of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

7. Time of Incident: \_\_\_\_\_ a.m./p.m. (circle one)

8. DESCRIBE IN DETAIL WHAT DAMAGE OR INJURY OCCURRED: (Attach additional documentation if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Witnesses: \_\_\_\_\_ Phone: \_\_\_\_\_

I hereby certify that I have read the above information and it is true and correct to the best of my knowledge.

I hereby make a claim against \_\_\_\_\_  
(a public entity)

for \_\_\_\_\_ in the amount of: \_\_\_\_\_

**IMPORTANT:** If you were injured and you are on Medicare/Medicaid, please fill out the following as required by 42 U.S. C. 1395.

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ Medicare/Medicaid Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Per Idaho Statute Title 41, Chapter 13: 41-1331-Any person who knowingly, and with intent to defraud or deceive any insurance company, files a statement of claim containing any false, incomplete, or misleading information is guilty of a felony. "Statement" includes, but is not limited to, any notice, statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of property damages, bill for services, diagnosis, prescription, hospital or doctor records, x-ray test results, or other evidence of loss, injury, or expense.