

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: SB611-E

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Stanley

3. Committee: Courts of Justice

4. Title: Notice of tort claim against the Commonwealth, transportation district, or locality.

5. Summary: Provides that the bar to a tort claim against the Commonwealth or a transportation district for failure to file a written statement of the nature of the claim within one year, or within six months for a claim against a locality, after the cause of action accrues does not apply where there was actual knowledge of the claim within one year by the Commonwealth, the agency alleged to be liable, the Division of Risk Management, or any insurer or entity providing coverage or indemnification of the claim, the Attorney General, or the transportation district, or within six months for a locality or any insurer or entity providing coverage or indemnification of the claim, as applicable.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate; See Item 8 below.

8. Fiscal Implications: The fiscal impact resulting from this bill is considered indeterminate.

The bill authorizes claims against the Commonwealth or transportation districts to be exempt from the one year written statement submission deadline if the Commonwealth, agencies alleged to be liable, the Division of Risk Management or insurer or entity providing coverage or indemnification of the claim, the Attorney General or the transportation district had actual knowledge of the claim within one year after such cause of action accrued. The bill authorizes claims against localities to be exempt from the six month written statement submission deadline if the locality or insurer or entity providing coverage or indemnification of the claim had actual knowledge of the claim within six months after such cause of action accrued. The current one year notice requirement, or six month notice requirement for localities, may have impacted the number of claims in the past. Since the bill removes the one year and six month notice requirements if one of the stated parties had actual knowledge of the claim, more claims could be submitted to and processed by the Department of the Treasury. However, at this time the Department of the Treasury cannot determine how many additional claims could result and therefore the workload impact is unknown.

9. Specific Agency or Political Subdivisions Affected: Department of the Treasury, transportation districts, state agencies, Attorney General, and localities.

10. Technical Amendment Necessary: Yes. Line 46, strike “fter” and insert “after”.

11. Other Comments: Consideration should be given to clarifying the meaning of “actual knowledge” of the claim. According to the Department of the Treasury, without knowing the intent the term would be difficult to apply consistently and uniformly, and may result in legal disputes causing additional legal expenses.