

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB611

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input 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, a transportation district, or a locality for failure to file a written statement of the nature of the claim within one year 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, the transportation district, or the locality, 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, localities 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, localities, or the transportation district had actual knowledge of the claim within one year after such cause of action accrued. The current one year notice requirement may have impacted the number of claims in the past. Since the bill removes this one year notice requirement 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: No.

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.