



NOTICE OF TORT CLAIM FORM
for PROPERTY DAMAGE & PERSONAL INJURY
Provided by the State of Indiana - Office of the Attorney General

Anyone who has a claim for personal injury or property damage against the State of Indiana must either use the following form to file a claim **or** make the claim in writing as prescribed in **Indiana Code 34-13-3** and these rules:

--DO NOT DELAY MAKING YOUR CLAIM. INDIANA LAW GIVES YOU ONLY 270 (TWO HUNDRED SEVENTY) DAYS AFTER THE LOSS TO MAKE A CLAIM, AND IT MUST COMPLY WITH **Indiana Code 34-13-3**.

--EACH PERSON WHO HAD A LOSS SHOULD FILE A SEPARATE FORM.

--KEEP A COPY OF YOUR CLAIM FORM, RECEIPTS, BILLS AND CERTIFIED/REGISTERED MAIL RECEIPT.

--If your claim is properly filed, the Office of the Attorney General will investigate it and will notify you in writing within 90 days of receipt if your claim is approved. A claim is denied if not approved within 90 days.

--The filing of this claim is part of a legal process. If you have any questions about the right way to file a claim, you should contact an attorney of your choice. The state's attorneys are not authorized by law to assist you with filing this claim; however, for your information, the following is a list of actions or conditions resulting in **nonliability** pursuant to **Indiana Code 34-13-3**:

Sec 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from:

- (1) *the natural condition of unimproved property;*
- (2) *the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose which is not foreseeable;*
- (3) *the temporary condition of a public thoroughfare which results from weather;*
- (4) *the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area;*
- (5) *the initiation of a judicial or an administrative proceeding;*
- (6) *the performance of a discretionary function;*
- (7) *the adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment;*
- (8) *an act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid, if the employee would not have been liable had the statute been valid;*
- (9) *the act or omission of anyone other than the governmental entity or the governmental entity's employee;*
- (10) *the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law;*
- (11) *failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety;*
- (12) *entry upon any property where the entry is expressly or impliedly authorized by law;*
- (13) *misrepresentation if unintentional;*
- (14) *theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission;*
- (15) **INJURY TO THE PERSON OR PROPERTY OF A PERSON UNDER SUPERVISION OF A GOVERNMENTAL ENTITY** and who is:
 - (A) *on probation; or*
 - (B) *assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, or a community corrections program under IC 11-12;*
- (16) *design of a highway (as defined in IC 9-13-2-73), if the claimed loss occurs at least twenty (20) years after the public highway was designed or substantially redesigned; except that this subdivision shall not be construed to relieve the responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition; or*
- (17) *development, adoption, or implementation, operation, maintenance, or use of an enhanced emergency communication system.*

STATE OF INDIANA
CLAIM FOR PERSONAL INJURY OR PROPERTY DAMAGE
PLEASE TYPE OR PRINT CLEARLY

Name of Claimant: _____ Date & Time of Loss: _____

Claimant's Drivers License Number & Issuing State: _____

Claimant's Vehicle License Plate # & Issuing State (if applicable/if vehicle is involved): _____

EXACT Location of Loss (include **COUNTY**, nearest crossroad, & town): _____

Dollar Amount of Loss (attach copy of paid bill or 2 (two) estimates): _____

State Agency Involved: _____

State Vehicle Commission Number (if applicable): _____

Names & Addresses (if known) of all persons (other than claimant) involved: _____

Address of Claimant at Time of Loss: _____

Claimant's Current Address (if different from above), & Current Phone Numbers:

(_____) _____ Home (_____) _____ Work

How was the State negligent: _____

Explanation of what happened (use additional sheets if necessary): _____

PLEASE READ: I swear & affirm under the penalties for perjury, that the foregoing information is true and correct to the best of my knowledge & belief.

CLAIMANT'S SIGNATURE

DATE

ATTACH PHOTOGRAPHS, COPIES OF MEDICAL BILLS, ACCIDENT REPORTS, VEHICLE REGISTRATION, RECEIPT(S) FOR REPAIR TO YOUR PROPERTY OR TWO ESTIMATES OF REPAIR, & ANY ADDITIONAL DOCUMENTATION IN REFERENCE TO THIS MATTER.

*Mail this claim form & any attachments by **CERTIFIED** or **REGISTERED** mail to:

Office of the Attorney General
ATTN: Tort Claim Investigations
IGCS 5th Floor
302 W. Washington Street
Indianapolis, IN 46204-2770