

Do Not Use This Space

TORT CLAIM AGAINST KANSAS MUNICIPALITY

*** K.S.A. Chapter 12, Article 1 and Chapter 75, Article 61 ***

Mail or Hand Deliver to:

ATTENTION: City Clerk, City of Olathe, P.O. Box 768, Olathe, Kansas 66051-0768

Claim Type: Auto ___ General ___ Other ___ [Prop. Damage ___ Bodily Injury. ___]

CLAIMANT:

Name: _____ Home Tel. _____

Address: _____ Work Tel. _____

BASIS OF CLAIM:

Date _____ Time _____ Place _____

CIRCUMSTANCES OF ACT/OMISSION, EVENT COMPLAINED OF:

NAMES OF CITY OFFICIAL(S) OR EMPLOYEE(S) INVOLVED: (if known)

NATURE AND EXTENT OF INJURY: (Bodily Injury and/or Property Damage)

DEMAND

I hereby demand payment for damages in the amount of \$ _____

ESTIMATES for repair of damages to property from (attach estimates: auto 2, others 1) _____

MEDICAL bills for bodily injuries from: _____

Signature(s) of Claimant(s)

Date

TORT CLAIMS

PROCEDURES REQUIRED BY KANSAS STATUTES.

Kansas Statutes Annotated, Chapter 12. – CITIES AND MUNICIPALITIES, Article 1, Municipal Liability

12-105b. Uniform procedure ... Kansas tort claim act; notice, contents, limitations on commencement of action.

(a) All claims against a municipality must be presented in writing with a full account of the items, and no claim shall be allowed except in accordance with the provisions of this section.

(d) Any person having a claim against a municipality which could give rise of an action under the Kansas tort claim act shall file a written notice as provided in this subsection before commencing such action. The notice shall be filed with the clerk or governing body of the municipality and shall contain the following:

- (1) the name and address of the claimant and the name and address of the claimant's attorney, if any
- (2) concise statement of the factual basis of the claim, including the date, time, place and circumstances of the act, omission or event complained of;
- (3) the name and address of any public officer or employee involved, if known;
- (4) a concise statement of the nature and the extent of the injury claimed to have been suffered; and,
- (5) a statement of the amount of monetary damages that is being required.

In the filing of a notice of claim, substantial compliance with the provisions and requirements of this subsection shall constitute a valid filing of a claim. The contents of such notice shall not be admissible in any subsequent action arising out of the claim.

Once notice of the claim is filed, no action (law suit) 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 (of the filing of the written claim) unless the interested parties have reached a settlement before the expiration of that period.

No person may initiate an action (in court) against a municipality unless the claim has been denied in whole or part.