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MUNICIPAL/COUNTY/LOCAL GOVERNMENTAL IMMUNITY AND TORT LIABILITY IN ALL 50 STATES

"*Governmental immunity*" concerns itself with the various legal doctrines or statutes that provide municipalities, local government entities, and political subdivisions immunity from tort-based claims, as well as exceptions from and limitations to that immunity. Generally, a state government is immune from tort suits by individuals under the doctrine of *sovereign immunity*. Local governments, municipalities (cities), counties, towns, and other political subdivisions of the state, however, are immune from tort suits by virtue of *governmental immunity.* This is because the state grants them immunity, usually in the state's Constitution. This chart deals with governmental immunity and liability of municipal, county, and local government in all 50 states. It should be noted that lawsuits against local governmental entities, their officers, and employees are frequently asserted under federal law, *e.g.,* 42 U.S.C. § 1983, or other similar statutes. This chart deals only with the separate body of law governing claims against local governments. It does not cover federal claims under the Federal Tort Claims Act (FTCA) (28 U.S.C. § 2674) or claims of negligence against state governments, the latter of which is the subject of another chart that can be found **HERE**.

The broader doctrine of *sovereign immunity* traces its common law origins to the notion that the king made the laws, and thus anything the king did was perforce legal. The doctrine was thought to pass through to several states before the founding of this country. When the Constitution was drafted in 1787, Article III raised questions about this principle by exposing states to suits from citizens of other states and foreign states. U.S. Const. Art. III, § 2 ("The judicial Power shall extend ... to Controversies ... between a State and Citizens of another State ... and between a State ... and foreign States, Citizens or Subjects"). In 1793, the U.S. Supreme Court dealt precisely with this issue in *Chisholm v. Georgia* and abolished the doctrine of sovereign immunity with respect to states. *Chisolm v. Georgia,* 2 U.S. 419 (1793) ("the Constitution warrants a suit against a State, by an individual citizen of another State"). Several years later, in response to *Chisholm*, Congress proposed, and three-fourths of the states ratified, the Eleventh Amendment, which reinstated states' sovereign immunity, at least to the extent that Article III encroached upon it. Therefore, there could be no valid suit against a government entity. By the early 1800s, this sovereign immunity was adopted by nearly every state. However, the enjoyment of sovereign immunity is limited to government bodies that are truly "sovereign," namely the U.S. federal government and each state government. This presumed immunity was based on the belief that governments would be paralyzed if they faced potential liability for all actions of their employees. Sovereign immunity today has been limited or eliminated, at least in part, in most jurisdictions by either legislative or judicial action.

The doctrine of sovereign immunity varies from state to state but is usually contained either in a statutory framework (such as a Tort Claims Act) or within judicial and case decisions. Excluded from the doctrine are cities and municipalities, which are considered to be mere creatures of the legislature, and which have no inherent power and must exercise delegated power strictly within the limitations prescribed by the state legislature. As such, by default, municipalities are liable for their actions unless shielded by state law. The constitution of a particular state may grant that state and its political subdivisions "absolute sovereign immunity" — meaning that those local government entities are shielded from suit unless the legislature explicitly creates a statutory exception waiving immunity or the municipality or local

government entity waives its immunity by contract and purchases insurance to cover any resulting liability obligations. Immunity of local government and political subdivisions is known as "governmental immunity" because it is granted by state government as opposed to common law.

State Immunity vs. Political Subdivision Immunity

Most states have two parallel systems and bodies of law for governmental tort immunity: one for the state and another for political subdivisions created by the state to help fulfil their obligations (county, city, town, school district, water districts, park districts, airport districts, etc.). A "political subdivision" is a local governmental entity that is in some ways distinct from or a subset of the state, but nevertheless exercises a "slice of state power." They include counties, cities, towns, villages, and special districts such as school districts, water districts, park districts, and airport districts. In some states, there are separate Acts covering each – as in Pennsylvania where there is a *State Sovereign Immunity Act* covering the liability of the state (referred to as the "Commonwealth" in Pennsylvania) and a *State Tort Claims Act* covering the liability of political subdivisions.

Although it varies from state to state, much of the law involving governmental immunity focuses on whether (1) the employee who caused the injury was acting within the scope of the employee's duties and (2) whether the activity in which the employee was engaged was the type of act which public policy deems worthy of granting immunity. It is almost universally agreed that a total waiver of government immunity is undesirable. However, creating standards and tests to separate those acts that should be protected from those that should create liability has been a difficult, complex, and an imperfect effort. There is a lot of blurring and conflating of concepts used to describe and categorize local government actions from state to state. However, in general, the concepts and terms used have distinct differences and you should be familiar with them.

Governmental / Discretionary Acts

For many years, local government was liable only for *proprietary* acts and not *governmental* acts. The rule attempted to distinguish between municipal activities which are inherently public in nature and those which merely supplant or parallel the workings of the private sector. The rule made a "vertical" classification of activities, in the sense that broad spheres of official concern such as education, police and fire protection, hospitals, garbage collection, maintenance of streets and sidewalks, sewage, and provision of water, electricity and transportation, are each labeled either *governmental* or *proprietary*. Once a service or action was classified as governmental, local governmental immunity applied on all levels in the provision of this *governmental* service. This simple test failed to take into account the nature of the activity. At its simplest, this distinction looked like this:

Governmental Act: Local government is not liable – had immunity.
Proprietary Act: Local government is liable – immunity waived.

Governmental functions are those activities that are "discretionary, political, legislative, or public in nature and performed for the public good on behalf of the State." *Millar v. Town of Wilson*, 23 S.E.2d 340 (N.C. 1942). They are undertakings that are commercial or chiefly for the private advantage of the compact community. Courts had a hard time applying these inexact standards to particular activities, causing irreconcilable splits of authority and confusion. For example, in North Carolina, the operation of a municipal airport has been considered a proprietary function, even though a statute declared it to be governmental. *Rhodes v. City of Asheville*, 52 S.E.2d 371 (N.C. 1949).

Proprietary functions are undertakings that are commercial or chiefly for the private advantage of the compact community. A proprietary function is one that a private entity can perform and is not uniquely for the benefit of the general public. The discretionary function defense applies to discretionary governmental functions, but not for proprietary (or ministerial) functions. There are many grey areas where states reach difference results, such as whether the design of highways is governmental or proprietary. Many states do not consider personal medical services, such as prenatal care clinics and general indigent medical care clinics, to be governmental

functions and apply ordinary medical malpractice law to them, although some states do include these under governmental immunity. On the other hand, if the medical service is related to protecting the public, rather than just helping one person, it will be considered governmental. In this regard, the treatment and testing for tuberculosis would be a governmental function.

The older *governmental* (immune) v. *proprietary* (not immune) rule looked only to the level at which the decision to undertake the activity was made. Over time, this simple distinction lost its vitality as an accurate or adequate rationale for the immunity privilege. As one court put it:

> *Perhaps the best encapsulation of our sentiments concerning the governmental-proprietary standard was articulated by Justice Lavendar of the Oklahoma Supreme Court when he stated "Judicial attempts to grapple with what has become a multi-addered medusa has resulted in confusion and uncertainty all too painfully apparent to legal scholars, and an inability on the part of the courts to evolve any definitive guidelines. Vanderpool v. State,* 672 P.2d 1153 (Okla. 1983).

Inconsistency developed with regard to which activities were which. Even the U.S. Supreme Court expressed dissatisfaction with and condemned this simple distinction. *Indian Towing Co. v. U.S.*, 350 U.S. 61 (1955). A concept of municipal immunity driven by a purpose not to jeopardize the quality and efficiency of government by exposing the exercise of discretion in the formulation of government policy to tort liability led to an evolved concept of municipal immunity under which any function (*governmental* or *proprietary*) can now come within a *discretionary* function exception to either liability or immunity.

Discretionary vs. Ministerial Acts

For many years, the broader distinction of *proprietary* vs. *governmental* was the simple but inadequate *litmus* test. Over time, however, it became infused with the narrower terminology of *ministerial* vs. *discretionary*. Rather than local government automatically being immune from suit whenever a *governmental* act was involved, state law began to borrow the *discretionary* function rule which originated with the Federal Tort Claims Act in 1946, which exempted from liability any act based on the exercise or performance (or the failure to exercise or perform) a *discretionary* function or duty, whether or not the discretion is abused. A discretionary act is a government action performed according to legal authority, established procedures or instructions from a superior, without exercising any individual judgment. It can be any act a government employee performs in a prescribed manner, without exercising any individual judgment or discretion. The repair of equipment on a school playground, although a governmental function, was not of such a nature as to pose threats to the quality and efficiency of government if tort liability attached. In this fashion, the concept of a discretionary act test found its way into the field of local governmental immunity.

In general, only discretion and judgment at the highest levels call for the imposition of *governmental* immunity for local government. Even this test, however, has a lack of an adequate and clear standard for determining what a *discretionary* function is. No state legislature has attempted to clearly define what this term means. State courts have developed three basic approaches or interpretations:

(1) Literal or semantic definition. The problem with this approach is that there is some level of discretion involved in almost every governmental act.
(2) Standard which distinguishes *"planning level functions"* from "*operational level functions*." This generally means that only basic policy decisions are immune. A policy decision (state policy of maintaining highways) may be discretionary, but subsequent *ministerial* actions undertaken to implement the policy decision (how roads will be salted or where highway signs will be placed) are considered ministerial acts for which liability may attach. Utah, Hawaii, and Alaska are examples of states which use this distinction. If an act takes place on a higher, planning level, it is discretionary and immune.
(3) Flexible approach which evaluates the particular facts in light of the purpose of the exception. Many states, often those without a statutory discretionary function rule, look past the planning/operational distinction, and instead inquire whether the decision is the kind that is delegated to a coordinate branch of government and are therefore immune. Does the act involve a basic governmental policy, program, or objective? Is the act essential to the accomplishment of that policy, program, or objective? Does it require evaluation, judgment, and expertise? Oregon and Washington are examples of this approach. There is very little difference in the effect of this approach and the second approach, and the difference is mainly one of semantics.

None of these approaches clearly defines or sets forth those activities for which a government is liable. There is no immunity from liability arising out of the negligent performance of a *proprietary* or *ministerial* act by a local governmental employee. A ministerial act is one performed under a given set of facts and in a prescribed manner in obedience to the mandate of legal authority (*e.g.,* statute, established procedure, instructions from a superior, or other legal authority) without regard to, or the exercise of, the individual judgment of the local government employee on the propriety (*i.e.,* the appropriateness) of the act being done. In other words, the local government employee is compelled by law to do the act and to do it in a particular manner. An act is usually ministerial even though the employee must use judgment to determine if a set of facts exist that make it necessary to perform the act. Examples of a ministerial act include entry of an order by a court clerk, notarizing a document, issuing a building permit, approving a real estate subdivision, and determining the existence of facts and applying them as required by law, without any discretion. Acts which would not be considered ministerial include decisions about application of a tax law, auditing an income tax return, and determining facts and applying law to those facts.

Immune "discretionary" actions include governing and supervisory decisions, such as how much priority is placed on the enforcement of ordinances and codes, the allocation of resources, the number of staff assigned to a project, the timing or placement of traffic lights, and how laws are enforced. "Proprietary" actions, on the other hand, include the method of performing government functions. For example, the negligence of a municipal employee that results in injury can expose the municipality to tort liability. The waiver of sovereign immunity in such a case only opens the door to litigation; it does not change burdens of proof or elements of a tort. In order to prevail in a tort suit, a plaintiff must still demonstrate all the necessary elements of a tort: duty, breach, causation, and damages. Under common law, the sovereign state enjoyed absolute governmental immunity while municipalities did not. Although it varies from state to state, today, municipalities are only immune for governmental functions, *i.e.,* those inherent state police powers that embody the government's fundamental legal obligation to preserve the general public health, safety, and welfare. They are generally not immune from liability for proprietary functions, *i.e.,* when acting like a private business on their own behalf and/or for the benefit of their own citizens. When injuries arose from a proprietary function, municipalities can often be held liable like a private individual for negligence.

Public Duty Doctrine

Separate and apart from the concepts of sovereign immunity and official immunity, some states adopt the public duty doctrine. The public duty doctrine states that a public employee is not civilly liable for the breach of a duty owed to the general public, rather than a particular individual. This public duty rule is based on the absence of a duty to the particular individual, as contrasted to the duty owed to the general public. This doctrine does not insulate a public employee from all liability, as he or she could still be found liable for a breach of *ministerial* duties in which an injured party had a "special, direct, and distinctive interest." See, *e.g., Southers v. City of Farmington*, 263 S.W.3d 603 (Mo. 2008). It is not an affirmative defense, but rather delineates the legal duty the defendant public employee owes the plaintiff. In effect, the applicability of the public duty doctrine negates the duty element required to prove negligence, such that there can be no cause of action for injuries sustained as the result of an alleged breach of public duty to the community as a whole. The public duty doctrine holds that a government agent cannot be civilly liable – even for breach of a ministerial duty – if that duty is owed to the general public as opposed to a particular individual.

Federal Civil Rights Liability (42 U.S.C. § 1983)

The Federal Civil Rights statute is the basis by which a state or local government employee can assert a civil rights claim. 42 U.S.C. § 1983 provides:

> *Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.*

The most common claims brought under § 1983 are for violation of constitutional rights, including:

- First Amendment rights of freedom of religion, speech, and press;
- Fourth Amendment protections against searches and seizures;
- Fifth Amendment protection from self-incrimination;
- Eighth Amendment protection against cruel and unusual punishment; and
- Fourteenth Amendment protections against deprivations of life, liberty, or property without due process.

Under § 1983, "any citizen" can be that person if they, while acting "under color of state law," deprived the plaintiff of their constitutional rights, and the challenged conduct caused a constitutional violation. The "color of law" element is established where a public employee acts pursuant to their office or in their official capacity.

Summary

The development of the immunity standard for local government and political subdivisions has evolved from attempts to create a precise, predictable semantic definition into a flexible, if unpredictable, guideline. There is rarely an easy answer to whether a particular act on the part of local government is immune, which is why these cases are litigated so frequently. For most states, if an act constitutes "governing" (high-level policy decision for which coordinate branches of government are responsible), immunity will apply. This is most often referred to as the "*discretionary function exception*." Where along the continuum of decision-making an act falls is the stuff of lawsuits and legal advocacy. Most states have abandoned a simple formula and gone with the "planning-level function" (proprietary) acts being immune and the "operational-level function" (ministerial) acts being subject to liability in tort. This is unfortunate for the drafters of charts like this one, because most states have avoided a mechanical categorizing of government actions into "immune" or "not immune" columns. Generally, however, the terms "*proprietary*", "*ministerial*" and "*planning level*" usually go together and describe functions for which local government is liable and for which immunity has been waived. The terms "*governmental*", "*discretionary*" and "*operational level*" usually go together and describe functions for which local government is not liable and retains its immunity.

NOTE: This chart concerns itself with issues regarding governmental immunity granted to and liability of "political subdivisions" (i.e., local government entities created by the states to help fulfill their obligations, including counties, cities, towns, villages, and special districts such as school districts, water districts, park districts, and airport districts). The immunity granted to and liability of individual state governments and their employees are addressed in detail in our sister chart entitled "State Sovereign Immunity and Tort Liability In All 50 States" found HERE.

STATE	LEGAL AUTHORITY	NOTICE DEADLINES	CLAIMS/ACTIONS ALLOWED	COMMENTS/EXCEPTIONS	DAMAGE CAPS
ALABAMA	For years, municipalities and counties were immune to tort liability in the exercise of governmental (immune), as opposed to proprietary (not immune) functions. *Hilliard v. City of Huntsville*, 585 So.2d 889 (Ala. 1991). That changed in 1975. Local government entities can now be sued without regard to former governmental-proprietary distinctions. *Jackson v. City of Florence*, 320 So.2d 68 (Ala. 1975).	**Municipality** Sworn statement/claim must be filed with clerk within six (6) months, detailing manner of injury, damages, etc. Ala. Code § 11-47-23. **County** Itemized, verified claim must be filed with Commission within 12 months and must be acted on within 90 days prior to suit or is considered disallowed. Ala. Code § 11-12-8.	**Municipality** City/town liability limited to neglect of employees. Employee only liable for intentional act. Ala. Code § 11-47-190. A municipality has duty to maintain sidewalks in safe condition and is liable for negligent failure to do so, *Johnson v. City of Opelika*, 71 So.2d 793 (Ala. 1954). **County** County can be sued in any court. Ala. Code §§ 6-5-20, 11-2-1.	In 1984, Congress enacted the Local Government Antitrust Act (15 U.S.C. §§ 34-36 (1984)), which eliminates certain damage suits under the Clayton Act: treble damage claims by "persons," single damage claims by the U.S., and treble damage claims by States. Protection against such damage suits extends to local governments. Undecided whether a governmental employee can be sued in his individual capacity for actions done on behalf of his employer. *Suttles v. Roy*, 75 So.3d 90 (Ala. 2010).	$100,000 Per Person $300,000 Per Occurrence $100,000 Prop. Damage Ala. Code §§ 11-93-1 through 11-93-3. Association of County Commissions of Alabama established a self-insurance fund for local government liability insurance. Ala. Code §§ 11-30-1, *et seq*. Limits apply to municipal or county employees sued in individual capacities. *Suttles v. Roy*, 75 So.3d 90 (Ala. 2010).

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ALASKA	**Actions, Immunities, Defenses, and Duties.** **Qualified Immunity** No action can be maintained against a municipality, unless exception. Alaska Stat. § 09.65.070(a).	No Notice Requirements In *Johnson v. City of Fairbanks*, 583 P.2d 181 (Alaska 1978), the court announced notice of claims provisions in city charters (Fairbanks city charter required 120 days' notice) are impliedly prohibited because they impede implementation of statutes which seek to further a specific statewide policy with reference to the time within which suits may be filed.	Section 09.65.070 does not shield municipalities from "operational negligence." Municipality is liable for negligently performing particular operations to implement the broad policy decision (*e.g.,* operating motor vehicle or negligent damage to storm or sewer). *City of Seward v. Afognak Logging*, 31 P.3d 780 (Alaska 2001). "Planning decision" involves policy formulation (immune). "Operational decision" involves policy execution or implementation (not immune). *Regner v. N. Star Volunteer Fire Dep't, Inc.*, 323 P.3d 16 (Alaska 2014).	**Discretionary Function Official Immunity** Municipality or its employees may not be sued if claim is based on performance/failure to perform discretionary function, even if the discretion is abused. Alaska Stat. § 09.65.070(d)(2). Discretionary acts are acts "that require personal deliberation, decision, and judgment." Planning functions (immune). Operational functions (not immune). *Samaniego v. City of Kodiak*, 2 P.3d 78 (Alaska 2000). Under the Planning/Operational Test for Discretionary Function Immunity, liability is the rule, immunity is the exception.	No Damage Caps
ARIZONA	**Actions Against Public Entities or Public Employees Act.** Public entities are granted absolute immunity for the exercise of a judicial, legislative, or discretionary function. A.R.S. § 12-820.01 (1984). "Public entity" means the state or any political subdivision of the state. A.R.S. § 12-820(7).	All actions against public entities or public employees shall be brought within one (1) year after the cause of action. A.R.S. § 12-821. Claims against the State shall be filled within 180 days after the action occurs. A.R.S. § 12-821.01. Deemed denied if no response within 60 days.	Liability is determined by nature of act performed. ***Policymaking vs. Operational*** *Operational* acts concern routine, everyday matters not involving broad policy factors. *Policymaking* acts involve whether one general course of action over another.	Absolute immunity granted for (1) Judicial/Legislative functions; and (2) Administrative functions involving *government policy.* A.R.S. § 12-820.01(A) (No Easy Test). Unless there is gross negligence, qualified immunity granted for actions listed in § 12-820.02(A).	None No law shall limit the amount of damages to be recovered for causing the death or injury of any person. Ariz. Const. Art. II, § 31. No punitive damages against the State. A.R.S. § 12-820.04.

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ARKANSAS	**Liability of State and Local Governments.** Legislature abolished "governmental" vs. "proprietary" distinction. Ark. Code §§ 21-9-301 through 21-9-303 (1969). **Qualified Immunity** Municipal governments and political subdivisions immune except to extent covered by liability insurance. **Legislative Immunity** *Massongill v. Cty. of Scott*, 991 S.W.2d 105 (Ark. 1999).	None	All political subdivisions must carry liability insurance on their motor vehicles. Ark. Code § 21-9-303(a). Direct action against municipal insurer allowed. *Little Rock Port Auth. v. McCain*, 752 S.W.2d 44 (Ark. 1988). Each county, municipal corporation, school district, special improvement district, or any other political subdivision is authorized to provide for hearing and settling tort claims against it. Ark. Code § 21-9-302.	Ark. Code § 21-9-301 extends immunity only for acts of negligence, but not for intentional torts. A failure to correct that negligence may be construed as intentional. *Robinson v. City of Ashdown,* 783 S.W.2d 53 (Ark. 1990). Unclear who has burden of proving liability insurance. *Helena-West Helena School Dist. v. Monday*, 204 S.W.3d 514 (Ark. 2005). No recovery for plaintiff covered under workers' compensation. *Helms v. Southern Farm Bureau Cas. Ins. Co.*, 664 S.W.2d 870 (Ark. 1984).	No Punitive Damages *Mosier v. Robinson*, 722 F. Supp. 555 (W.D. Ark. 1989). Municipal auto insurance must be at least $25,000 per person, $50,000 per occurrence, and $25,000 property damage. Ark. Code § 21-9-303. If no insurance, city is self-insurer. Ark. Code § 21-9-301.

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CALIFORNIA	**California Tort Claims Act.** Public entity liable if the act or omission would, apart from this section, have given rise to a cause of action against that employee. Cal. Gov't Code § 815.2 Numerous immunities provided. Cal. Gov't Code §§ 815 - 996.6 (1963). A public entity may sue and be sued. Cal. Gov't Code § 945. Public employee liable for injury to the same extent as a private person. Cal. Gov't Code § 815.	Personal injury/property claim within six (6) months after accrual of the cause of action. All other claims shall be presented within one (1) year. Cal. Gov't Code § 911.2. Board must respond within 45 days. Then six (6) months to file suit. "Substantial compliance" may be found even if deficiencies. See Cal. Gov't Code §§ 910 and 915 for claim filing requirements. See §§ 911.4 to 912.2 re: leave to file late claims.	A *public entity* includes city, county or political subdivision. Cal. Gov't Code § 811.2. *Public entity* is liable for injuries proximately caused by their employee's acts or omissions except when that employee is immune from liability. Cal. Gov't Code § 815.2. A *public entity* is liable for death or injury proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by a public employee acting within the scope of his employment. Cal. Veh. Code § 17001.	A public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of a discretionary act. Cal. Gov't Code § 820.2. *Public entities* not liable for injuries caused by misrepresentation. Cal. Gov't Code § 818.8. Public entities are not liable for an injury caused by adopting or failing to adopt an enactment or by failing to enforce any law. Cal. Gov't Code § 818.2.	None No punitive damages against the State. Cal. Gov't Code § 818.

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COLORADO	**Colorado Governmental Immunity Act (CGIA).** A public entity is immune from liability in all tort claims for injury except as otherwise provided. Immunity is waived under certain circumstances and exceptions to that waiver are provided. C.R.S. §§ 24-10-101 – 120 (1971).	Claims against public entity must be filed within 182 days of the injury or property damage. C.R.S. § 24-10-109(1). File with Atty General. File suit after denial or 90 days has passed. C.R.S. § 24-10-109(6). Use Statute of Limitations for that type of action. C.R.S. § 24-10-109(5).	A *public entity* includes city, county, or political subdivision. Colo. Rev. Stat. § 24-10-103. Immunity is waived for contract actions, but not torts. Colo. Rev. Stat. § 24-10-101. *Public entity* immune from tort liability. Colo. Rev. Stat. § 24-10-106. The CGIA (C.R.S. §§ 24-10-105 and 24-10-106(1)) permits negligence suits against the State's political subdivisions, including actions against Denver Water if it was negligent and such negligence arose from the "operation and maintenance" of "a public water facility." *Great Northern Ins. Co. v. Denver Water*, 2020 WL 6680360 (D. Colo. 2020).	Immunity is waived for the following: • Operation of motor vehicle, except emergency vehicle. • Dangerous condition of building. • Dangerous condition of street. • Operation/maintenance of public water facility, gas facility, sanitation facility, electrical facility, power facility, swimming facility. C.R.S. § 24-10-106.	$350,000 per person; $900,000 per occurrence, but no person may recover more than $350,000. C.R.S. § 24-10-114.

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CONNECTICUT	**Liability of Political Subdivisions.** C.G.S.A. § 52-557n. (codified qualified immunity established by common law). Connecticut in minority of states that still make distinction between *governmental* acts (qualified immunity from discretionary acts requiring judgment or discretion) and *proprietary* functions (no immunity for *ministerial* acts performed in a prescribed manner without judgment or discretion). Exceptions to qualified immunity: (1) failure to act leads to imminent harm; (2) statute provides for cause of action; and (3) intentional act.	Written notice must be filed with the clerk of such municipality within six (6) months after such cause of action has accrued. Statute of Limitation: An action against municipality must be commenced within two (2) years after the cause of action. C.G.S.A. § 7-101a(d). Claims for injuries resulting from defective highways, sidewalks, roads, or bridges must be brought within two (2) years and notice within ninety (90) days. C.G.S.A. §§ 13a-149, 13a-144. Section 13a-149 has savings clause that forgives inaccuracy in notice if no intent to mislead.	Municipalities generally are liable for damages to persons or property caused by: (1) Negligent acts by employees within the scope of their employment or official duties; (2) Negligence in operation of enterprise for "special corporate benefit or pecuniary profit" (*e.g.,* water supply, sewer, municipal parking garage, or golf course); and (3) Creation or participation in the creation of a nuisance. C.G.S.A. § 52-557n(a)(1). However, this liability is significantly limited by several exceptions. Suits can be brought against state or municipality for defective or poorly maintained roads and bridges. C.G.S.A. § 13a-149. For additional liability statutes, see C.G.S.A. §§ 13a-144 to 13a-153e.	No liability for acts which require the exercise of judgment or discretion as an official function of authority granted by law. C.G.S.A. § 52-557n(a)(2). Other statutory exceptions covering particular activities or conditions are set forth in C.G.S.A. § 52-557n(b). No immunity when performing following *governmental* functions: (1) maintenance of a park system; (2) construction of storm water sewers (a governmental function because it is a duty imposed by the state on municipalities to maintain highways within its limits); (3) use of municipal property as a public park; and (4) traditional governmental functions such as the operation of jails, public libraries, and city garbage services.	None

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DELAWARE	**Delaware County and Municipal Tort Claims Act.** 10 Del. Code § 4013.	Any municipality may enact a notice requirement by ordinance provided it is no longer than one (1) year. 10 Del. Code § 4013. Must give notice of actions against City of Wilmington within one (1) year of date cause of action accrued. 10 Del. Code § 8124.	Counties, municipalities, and political subdivisions retain their governmental immunity with three statutory exceptions. Depends on whether acts are discretionary or ministerial. Discretionary acts are subject to immunity; ministerial acts can be subject to liability under one of the three exceptions. The distinction is always one of degree. *Sussex County v. Morris*, 610 A.2d 1354 (Del. 1992).	No immunity when performing *governmental* function: (1) Ownership, maintenance, or use of motor vehicle; (2) Liability for the construction, operation, or maintenance of any public building; and (3) Liability for a discharge of toxic substances. 10 Del. Code § 4012.	$300,000 per occurrence. If municipality purchases liability insurance in excess of $300,000, then that is the limit. 10 Del. Code § 4013.
DISTRICT OF COLUMBIA	**Claims Against District.** The Mayor of D.C. is empowered to settle, in his discretion, claims against D.C. D.C. Code § 2-401 through § 2-416 (1929).	Notice of claim to the Mayor of the D.C. within six (6) months. Must include approximate time, place, cause and circumstances of the injury or damage. Police report is sufficient notice. D.C. Code § 12-309.	Mayor can settle claims and suits in his discretion when: (1) Arises out of ownership, maintenance, or use of motor vehicle (gross negligence if emergency vehicle); or (2) Liability for the construction, operation, or maintenance of any public building; or (3) Liability for a discharge of toxic substances. D.C. Code § 2-412. District may be liable for negligence in the performance of a proprietary function such as maintenance of a sewer system. *D.C. v. Billingsley*, 667 A.2d 837 (D.C. 1995).	Sovereign immunity for discretionary acts. No sovereign immunity for ministerial acts. *Powell v. District of Columbia,* 602 A.2d 1123 (D.C. 1992). The test for discretionary function is whether it poses a threat to the quality and efficiency of government if liability is imposed. *Shifrin v. Wilson*, 412 F. Supp. 1282 (D. D.C. 1976). Pothole accidents, fallen trees, damage caused by D.C. government, its property or its employees.	None

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FLORIDA	**Florida's Sovereign Immunity Statute.** Government entities (including counties and municipalities) liable for damages resulting from negligent acts of public employees in the scope of their employment, if a private person would be liable under similar circumstances. F.S.A. § 768.28(1) (1973).	Notice of claim must be given within three (3) years (two (2) years for wrongful death and six (6) months after settlement for contribution claims). F.S.A. § 768.28(14). File suit after denial or after six (6) months. F.S.A. § 768.28(6)(d). Statute of Limitations: Suit must be filed within four (4) years after claim accrues. F.S.A. § 768.28(14).	Four categories of public duty doctrine acts: (1) Legislative, permitting, licensing: *Immune.* (2) Law enforcement. *Immune.* (3) Capital improvement/ property control: *Liability of private person.* (4) Professional, educational, and general services: *Duty of care.* F.S.A. § 768.28.	Two Exceptions To Immunity: **A. Discretionary Government Act.** (1) Does act involve governmental policy, program, or objective? (2) Is act essential to accomplish that policy, program, or objective? (3) Does act require exercise of policy evaluation, judgment, and expertise? (4) Does the government agency possess the legal authority and duty to do the activity? If these questions can be answered "yes", the government act is "discretionary." **B. Public Duty Doctrine.** See CLAIMS/ACTIONS ALLOWED Column.	$200,000 per person. $300,000 per occurrence. Limit may be increased if municipality has liability limits in excess of this. Judgment in excess of statutory limits recoverable only if specially authorized by legislature. F.S.A. § 768.28(5).

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GEORGIA	**Liability of Municipal Corporations For Acts or Omissions.** O.C.G.A. §§ 36-33-1 to 36-33-6 In absence of liability insurance, municipality (city, town, or village) is immune from liability in all tort claims for injury except as otherwise provided.	Notice of Claim must be presented within six (6) months to governing authority of municipality (12 months for county). Action on the notice of claim must be taken by the municipality within 30 days. The running of the statute of limitations is suspended during the time that the demand for payment is pending before such authorities without action on their part. O.C.G.A. § 36-33-5. Jurisdiction is in state or superior court where local government entity resides. O.C.G.A. § 36-92-4.	(1) Immunity for *governmental* acts (decision to erect traffic sign, construction and maintenance of sewer system, operation of police and fire). (2) Immunity for *discretionary* acts unless if malice intent (act not required by statute to perform, decision not to inspect sidewalk, police pursuit). O.C.G.A. § 36-33-2. (3) Liability for *ministerial* acts (corporate gain or profit, electric power supply, buses, park, maintaining streets negligence in the execution of plans or specifications, nuisance). O.C.G.A. § 36-33-1.	Municipality waives immunity by the purchase of liability insurance. O.C.G.A. § 36-33-1. *Owens v. City of Greenville*, 722 S.E.2d 755 (Ga. 2012); O.C.G.A. §§ 33-24-51, 36-92-2, and 36-33-1. Immunity waived for operation of motor vehicles to the greater of policy limits or statutory limits. O.C.G.A. §§ 33-24-51 and 36-92-1.	**Motor Vehicles.** $500,000 Per Person $700,000 Per Occurrence $50,000 Property Damage O.C.G.A. § 36-92-2. No Punitive Damages O.C.G.A. § 36-92-4.
HAWAII	Claims against cities and counties not governed by Hawaii State Tort Liability Act. Local municipalities have no sovereign immunity to waive. *Kahale v. City and County of Honolulu*, 90 P.3d 233 (Haw. 2004).	Notice of Claim within two (2) years. Haw. Stat. § 46-72.	City and County subject to the state's tort laws in the same manner as any other private tortfeasor. *Kaczmarczyk v. City and County of Honolulu,* 656 P.2d 89 (Haw. 1982).	No public entity or public employee shall be liable for injury or damage sustained when using a public skateboard park, unless injury or damage caused by a condition resulting from failure to maintain or repair the skateboard park. Haw. Stat. § 46-72.5.	None

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IDAHO	**Idaho Tort Claims Act.** Every "governmental entity" (including "political subdivisions" such as counties, cities, municipal corporations, school districts, etc.) is liable for its employees' negligent acts within the scope of employment to the same extent a private person would be. Idaho Code § 6-903 (1976).	Notice of Claim against "political subdivision" must be filed with the clerk or secretary within 180 days and action must commence within two (2) years. Idaho Code §§ 6-909 and 6-911. For county, suit must be filed within six (6) months after first rejection of claim. Idaho Code §§ 5-221.	A governmental entity will be held liable for the negligence of their employees while driving a motor vehicle as long as the employee was driving while in the scope of their employment and no exceptions apply. *Teurlings v. Larson*, 156 Idaho 65, 320 P.3d 1224 (2014). "Governmental entity" means and includes the state and political subdivisions as herein defined. Idaho Code § 6-903(2).	Idaho's "political subdivisions" and their employees while acting within the scope of their employment and without malice shall not be liable for: (1) An act or omission in the execution of a statute or a discretionary duty; (2) Any claim arising out of assault, battery, misrepresentation, false imprisonment; and (3) Arises out of the collection of any tax or fee. See Idaho Code § 6-904; § 6-904 (a); and § 6-904 (b) for other specific exceptions.	"Political subdivision" not liable for damages from a single occurrence exceeding $500,000. This limit doesn't apply if political subdivision has purchased liability insurance in excess or if the action is caused by willful or reckless conduct. Idaho Code § 6-926. No punitive damages against "political subdivision." Idaho Code § 6-918.
ILLINOIS	**Local Governmental and Governmental Employees Tort Immunity Act.** Lists exceptions to liability of local governments and their employees, including legislative or discretionary functions. 745 I.L.C.S. § 10/2-101, *et seq.* The Act does not impose duties but, instead, only confers immunities and defenses. *Kirschbaum v. Village of Homer Glen*, 848 N.E.2d 1052 (Ill. App. 2006). **Public Duty Rule Abolished** Illinois municipalities used to be able to claim this defense, which	Suit against local entity and/or public employee must be filed within one (1) year of date cause of action accrued. 745 I.L.C.S. § 10/8-101(a). Suit against local entity for patient care must be brought within two (2) years after date on which claimant knew or should have known of injury, but in no event longer than four (4) years. 745 I.L.C.S. § 10/8-101(b).	Local government liable if there is a duty, except for: • Adopt or fail to adopt or enforce law. § 2-103. • Administration of licenses. § 2-104. • Negligent inspection of property. § 2-105. • Unsafe conditions of property with notice. § 3-106. • Failure to supervise activity on public property. § 3-108. • Hazardous recreation activity. § 3-109. • Absolute immunity for *discretionary* acts as opposed to *ministerial* acts. § 2-201. • *Ministerial* act is merely *execution of set task*, which law imposes. Nothing remains for	**Discretionary Act Immunity.** **Discretionary Act**. Municipality immune from liability for discretionary acts. They involve personal deliberation and judgment. **Ministerial Act**. Municipality not immune for acts which a person performs on a given state of facts in a prescribed manner, in obedience to legal authority and without reference to discretion of the propriety of the act. Burden on government to prove. Case by case basis. Strictly construed against government. §§ 2-109 and 2-201; *Gutstein v. City of Evanston*, 929 N.E.2d 680 (Ill. App. 2010). **Two-prong test:** (1) *Employee's Position*: Must determine policy *and* exercise discretion. (2) *Employee's Act*: Does claim involve "discretionary policy	No punitive damages (unless employee sued in personal capacity). 745 I.L.C.S. § 10/2-102. Purchase of liability insurance does not waive immunity. 745 I.L.C.S. § 10/9-103(c).

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	states that is no common law duty to the general public for a municipality's failure to enforce an ordinance or building code. However, the Illinois Supreme Court abolished the Public Duty Rule in 2016 in *Coleman v. E. Joliet Fire Prot. Dist.,* 46 N.E.3d 741 (Ill. 2016). This is retrospective, so parties can look back to claims that were not recoverable in 2016 due to this Public Duty Doctrine.		judgment or discretion. Must point to act/omission. Duty to maintain property (stop signs) in safe condition. *Bubb v. Springfield Sch. Dist. 186*, 657 N.E.2d 887 (Ill. App. 1995). Must be actual or constructive notice of dangerous condition in sufficient time to remedy. *Mostafa v. City of Hickory Hills*, 677 N.E.2d 1312 (Ill. App. 1997).	determination"? *Collins v. Bartlett Park Dist*., 997 N.E.2d 821 (Ill. App. 2013). No duty to install traffic signs or streetlights. Once decided, however, liable if not maintained. *Parsons v. Carbondale Township*, 577 N.E.2d 779 (Ill. App. 1991). Operation of a sewage system is subject to statutory and regulatory guidelines and is ministerial. *Trtanj v. City of Granite City*, 884 N.E.2d 741, 750 (Ill. App. Ct. 2008).	

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INDIANA	**Indiana Tort Claims Act.** "Governmental entity" under ITCA includes "political subdivisions" which in turn includes county, township, city, town, etc. I.C. § 34-6-2-110; I.C. § 34-6-2-49. Political subdivision liable for tortious conduct or conduct of their employees acting within the scope of employment, unless the conduct is within an immunity granted by statute. I.C. § 34-13-3-3 (1973). Water utility is not "political subdivision" for immunity purposes. *Harrison v. Veolia Water Indianapolis, LLC*, 929 N.E.2d 247 (Ind. App. 2010).	Notice of a claim against a political subdivision must be filed with: (1) Governing body of that political subdivision; or (2) Indiana political subdivision risk mgmt. commission created under § 27-1-29. Must file within 180 days after the loss occurs. I.C. § 34-13-3-8(a).	The defense of sovereign immunity is not available to a political subdivision for the negligent operation of its vehicles. *State v. Turner*, 286 N.E.2d 697(1972); 3A Ind. Law Encyc. Automobiles and Motor Vehicles § 123. "Public duty doctrine" means no liability on fire department if duty to plaintiff is not different from duty to other citizens and its efforts are made in response to general duty to protect safety and welfare of public. *City of Hammond v. Cataldi*, 449 N.E.2d 1184 (Ind. App. 1983).	There are several exceptions to waiver of immunity including: (1) *discretionary* functions (involve discretion to determine whether or not to perform act, and if so, in what particular way); (2) the adoption and enforcement of or failure to adopt and enforce a law; and (3) the act or omission of anyone other than the governmental entity or their employee. See I.C. § 34-13-3-3 for more exceptions. Early approach was to distinguish actions as either *ministerial* or *discretionary*, the former not immune. Today, "*planning/operational test*" is used. Immunity only if function "can be properly characterized as policy decisions that have resulted from a conscious balancing of risks and benefits and/or weighing of priorities." *Peavler v. Bd. of Comm'rs of Monroe Cty.*, 528 N.E.2d 40 (Ind. 1988). PURE CONTRIBUTORY NEGLIGENCE: The Comparative Fault Act does not apply "to tort claims against governmental entities or public employees." Pure contributory negligence applies to any tort claims against government entities or public employees, which means that if the plaintiff is 1% at fault or more, recovery is prohibited. I.C. § 34-51-2-2.	No punitive damages against the State. I.C. § 34-13-3-4. Indiana shall not be liable for more than $300,000 to a single claimant (if before 1/1/06) or $500,000 (if after 1/1/06 and before 1/1/08) or $700,000 (if after 1/1/08) and for a single occurrence, liability shall not exceed $5,000,000. I.C. § 34-13-3-4.

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IOWA	**Tort Liability of Governmental Subdivisions.** I.C.A. § 670.1. Municipality liable for torts in course and scope whether action governmental or proprietary, except as set forth in I.C.A. § 670.4.	An action must be brought within two (2) years of the damage or injury. I.C.A. § 670.5.	**Presumption of Liability.** *Graber v. City of Ankney*, 656 N.W.2d 157 (2003). Governmental subdivision must defend its employees and indemnify them. I.C.A. § 670.8. General rule in examining municipal immunity is liability; immunity is the exception. I.C.A. §§ 670.2, 670.4, Subd. 3.	Exceptions to liability: • Claim covered by work comp; • Police acting with care; • Failure to discover latent defect; • Negligent design of public improvement; • Negligent design of recreational facility; and • "*Discretionary*" function: 2-step test used rather than *planning/ operational* test. (1) Whether the action involved a matter of choice by employee; and (2) Judgment call is kind the discretionary function was designed to shield. I.C.A. § 670.14. Distinction is between judgment that embodies a professional assessment undertaken pursuant to a policy of settled priorities and a fully discretionary judgment that balances incommensurable values in order to establish those priorities. *Graber v. City of Ankeny*, 656 N.W.2d 157 (Iowa 2003).	No Punitive Damages I.C.A. § 670.4. No Damage Caps

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KANSAS	**Kansas Tort Claims Act.** K.S.A. §§ 75-6101 - 75-6120 (1979). Governmental entity liable for negligence unless exception in Act. Liability is the rule, immunity the exception. "Governmental entity" includes state or municipality. K.S.A. § 75-6102(c).	Notice of Claim must be filed with the clerk or governing body. Suit can be filed after denial or 120 days. Plaintiff has 90 days after denied even if Statute of Limitations runs. K.S.A. § 12-105b(d). "Substantial compliance" with essential elements is okay. *Sleeth v. Sedan City Hospital*, 317 P.3d 782 (Kan. 2014).	Governmental entities shall be liable for damages caused by a negligent act or omission of any of its employees while acting within the scope of employment under circumstances where a private person, would be liable. K.S.A. § 75-6103.	No liability for: (1) legislative functions; (2) judicial functions; (3) failure to enforce a law; (4) failure to exercise or perform a *discretionary* function or duty on the part of a governmental entity or employee. See K.S.A. § 75-6104 for more exceptions. "Discretionary function" means more than use of judgment. Must involve element of policy formation. *Clark v. Thomas,* 505 F. Supp.2d 884 (D. Kan. 2007).	Municipal liability shall not exceed $500,000 for claims arising out of a single occurrence or accident. A governmental entity or its employees acting within the scope of employment shall not be liable for punitive damages. K.S.A. § 75-6105.
KENTUCKY	**Claims Against Local Governments.** Local governments liable for negligence unless there is exception in Act. K.R.S. §§ 65.2001 to 65.2006 (1988). "Local government" includes city, county, special district, etc. K.R.S. § 65.2002.	Notice of a claim against city for defect in the condition of any bridge, street, sidewalk, alley, or other public thorough fare must be provided to mayor, city clerk, or clerk of the board of aldermen within ninety (90) days of occurrence. K.R.S. § 44.110. General Statutes of Limitations apply.	Municipalities remain liable for acts of employees carrying out "ministerial" duties. This includes negligent maintenance of thoroughfares and designing and building storm drainage systems. K.R.S. § 65.2003; *Com., Trans. Cabinet, Dept. of Highways v. Nash,* 2006 WL 2382730 (Ky. App. 2006). Municipality must defend and indemnity employees. K.R.S. § 65.2005.	No liability for: (1) Claim covered by work comp; (2) Collection of taxes; (3) Judicial or legislative act; and (4) "Discretionary" act. K.R.S. § 65.2003. The process of deciding to build a sewer system is a discretionary function, while the actual building of the system is ministerial. *City of Frankfort v. Byrns*, 817 S.W.2d 462 (Ky. App. 1991).	$200,000 Per Person $350,000 Per Occurrence K.R.S. § 44-070. After a final judgment local government may be allowed to pay judgment in periodic payments if the judgment was not totally covered by insurance and funds available are not sufficient to cover the judgment. K.R.S. § 65.2004.

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LOUISIANA	**Louisiana Governmental Claims Act.** La. R.S. §§ 13:5101-5113 (1975). The State, a State agency, or a *political subdivision* shall not be immune from suit and liability for injury to person or property. La. Const. Art. XII, § 10. Louisiana Governmental Claims Act applies to political subdivisions (parishes, municipalities, special districts, sheriffs, etc.). La. R.S. § 13:5102.B.	Suit must be brought in Louisiana State Court. La. R.S. § 13:5106. The notice deadline for a suit against the State is the equal to the normal statute of limitations for that type of claim. La. R.S. § 13:5108. Service must be requested within ninety (90) days. La. R.S. § 13:5107(D). One (1) year statute of limitations. La. R.S. § 13:5108.	Political subdivision will be liable for proprietary functions such as the negligent operation of a motor vehicle by an employee or officer done within the scope of their employment. *Fullilove v. U.S. Cas. Co. of N.Y.*, 129 So.2d 816 (La. App. 1961); La. Civ. Code. Art. 2317. City liable if it fails to repair a dangerous sidewalk condition in reasonable time after notice of condition. *Haindel v. Sewerage & Water Board*, 115 So.2d 871 (La. App. 1959). Street/sidewalk maintenance is a governmental function and liability is the exception. City must keep streets and sidewalks safe. To be liable, defect must be dangerous or calculated to cause injury and danger must be anticipated from defect. *Carlisle v. Par. of E. Baton Rouge*, 114 So.2d 62 (La. App. 1959).	No liability (qualified immunity) for policymaking or *discretionary* acts when such acts are within the scope of their lawful powers and duties except for acts not reasonably related to governmental objectives and acts which constitute criminal, fraudulent, or intentional misconduct. La. R.S. § 9:2798.1. No liability for damage caused by condition of buildings or things unless the political subdivision had actual or constructive notice of defect. La. R.S. § 9:2800.	Non-economic damages cap of $500,000 per person for personal injury or wrongful death. Does not include property damages, medical expenses. La. R.S. § 13:5106(B). Money for medical care post-judgment placed in a reversionary trust which goes back to the political subdivision if not used. La. R.S. § 13:5106(B)(3).

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MAINE	**Maine Tort Claims Act.** M.R.S.A. Tit. 14, §§ 8101 – 8118 (1977). Except as otherwise provided in the statutes, all governmental entities are immune from suit on any and all tort claims seeking recovery of damages. If immunity is removed by the Tort Claims Act, a claim for damages must be brought subject to the limitations contained in the Act. M.R.S.A. Tit. 14, § 8103. "Governmental entity" political subdivisions. "Political subdivision" includes any city, town, or county. M.R.S.A. Tit. 14, § 8102(2)(3).	Every claim against a governmental entity or its employees is forever barred unless an action therein is begun within two (2) years after the cause of action accrues. M.R.S.A. Tit. 14, § 8110. Written notice shall be filed within 180 days after any claim or cause. M.R.S.A. Tit. 14, § 8107.	There are four exceptions to governmental immunity. A governmental entity is liable for its negligent acts or omissions with regard to: (1) ownership, maintenance or use of motor vehicle, aircraft, or similar equipment; (2) construction, cleaning or repair of any highway, sidewalk, parking area, bridge, including street signs, traffic lights, guardrails; (3) discharge of pollutants; and (4) Public buildings/land: construction, maintenance, ownership or use of unimproved land, historic sites, or land, buildings, structures or facilities designed for use by public in connection with outdoor recreation. M.R.S.A. Tit. 14, § 8104-A.	A governmental entity is not liable for any claim which results from: (1) legislative acts; (2) judicial acts; and (3) *discretionary* acts (except if the act involves operating a motor vehicle). See M.R.S.A. Tit. 14, § 8104-B for more exceptions. Four-part test for *discretionary* act: (1) Does it involve policy? (2) Is it essential to the realization that policy? (3) Does act require basic policy evaluation, judgment, and expertise? (4) Does municipality possess the lawful authority and duty to do or make the decision? *Darling v. Augusta Mental Health Inst.*, 535 A.2d 421 (Me. 1987). Governmental entity not liable for any defect, lack of repair or lack of sufficient railing in any highway, town way, sidewalk, parking area, etc. M.R.S.A. Tit. 14, § 8104-A(4).	$400,000 per single occurrence. M.R.S.A. Tit. 14, § 8105. Except as otherwise provided, personal liability of a governmental employee shall be subject to a limit of $10,000 for any such claims arising out of a single occurrence. M.R.S.A. Tit. 14, § 8104-D. No judgment against governmental entity shall include punitive damages. M.R.S.A. Tit. 14, § 8105. If governmental entity immune but covered by insurance, it is liable (immunity waived) up to the limits of the insurance coverage. M.R.S.A. Tit. 14, § 8116.

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MARYLAND	**Local Government Tort Claims Act.** Md. Code Ann., Cts. & Jud. Proc. § 5-301, *et seq*. Local government not immune to tort claims, unless exception set forth in statute ("indirect statutory qualified immunity"). Md. Code § 5-303.	A claimant may not institute an action against the State unless the claimant submits written notice of claim within one (1) year. Notice given to the corporate authorities of the local government. "Actual notice" may be sufficient. Md. Code State Gov't § 5-304.	Employee must be sued directly, not the governmental entity. *Holloway-Johnson v. Beall*, 103 A.3d 720 (Md. 2014), *aff'd in part, rev'd in part,* 130 A.3d 406 (Md. 2016). Local government responsible for any judgment against employee. If motor vehicle, defense only for damages in excess of insurance policy limits. Md. Code § 5-303(b); § 5-307(b). Liable for negligence in operation of motor vehicle. Md. Code § 5-507(a)(2).	No immunity if act is: (1) *Discretionary* function; and (2) Without malice. Md. Code § 5-507; *Thacker v. City of Hyattsville*, 762 A.2d 172 (Md. Ct. App. 2000), *cert. denied*, 768 A.2d 55 (2001). Employee may not sue fellow employee if covered under workers' compensation. Md. Code § 5-302(c).	$400,000 Per Person $800,000 Per Occurrence. (Excluding Interest) Md. Code § 5-303. The State and its officers and units are not liable for punitive damages. Md. Code § 5-303.

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MASSACHUSETTS	**Massachusetts Tort Claims Act.** M.G.L.A. Ch. 258, § 2 to § 14 (1978). Public employers (county, city, town, etc.) are liable for injury to property or personal injury caused by negligence of public employee in course and scope, in the same manner and to the same extent as a private individual (tort and contract). M.G.L.A. Ch. 258 § 2.	Claim must be presented in writing to executive officer of the public employer within two (2) years after the date upon which the cause of action arose and denied. Failure to act in six (6) months is deemed denial. Exceptions: (1) Plaintiff led to believe that presentment not an issue; (2) Actual notice. M.G.L.A. Ch. 258 § 4. No civil action can be brought more than three (3) years after accrual. M.G.L.A. 258 § 4.	Public premises owner owes duty of reasonable care to all persons lawfully on premises. *Doherty v. Belmont*, 485 N.E.2d 183 (Mass. 1985). ***Public Duty Rule*:** The public duty doctrine is considered when an individual alleges that law enforcement personnel or other government employees are liable for injuries due to a breach of a legal duty. Unless the employee created or enhanced a risk or had a special relationship with the plaintiff, there is no recovery because the duty owed by the government to its citizens is to the public generally and not to citizens individually. *Judson v. Essex Agricultural and Technical Institute*, 635 N.E.2d 1172 (Mass. 1994).	Public employer not liable for any claim based upon an act or omission as follows: (1) in the execution of a statute; or (2) *discretionary* acts; or (3) arising out of an intentional tort, assault, libel, slander, or misrepresentation; or (4) negligent inspection of property. See other exceptions at M.G.L.A. 258 § 10. Discretionary function two-step test: (1) Is there discretion as to what course of conduct to follow? (2) Is it the type of discretion for which the Act provides immunity? *Fortenbacher v. Com.*, 888 N.E.2d 377 (Mass. 2008).	Liability of public employer may not exceed $100,000 for each plaintiff. Public employer not liable to levy or execution or for interest prior to judgment or for punitive damages. Claims against the Massachusetts Bay Transportation Authority are not subject to the $100,000 limit. M.G.L.A. Ch. 258, § 2.

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MICHIGAN	**Governmental Tort Liability Act.** M.C.L.A. §§ 691.1401 through 1419 (1986). Governmental agency (including political subdivisions) is immune if engaged in a *governmental* function (activity expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law). M.C.L.A. §§ 691.1407(1). Governmental immunity is to be broadly construed, unless a narrowly drawn exception applies in a claim. *Nawrocki v Macomb County Road Comm.,* 615 N.W.2d 702 (Mich. 2000).	Notice of claim must be filed within 120 days and served on the municipal employee appointed to accept service of complaints, (extended up to 180 days if disability). Substantial compliance is okay. M.C.L.A. § 600.1404. All claims must be filed with the Clerk of the Court of Claims within one year after such claim has accrued. M.C.L.A. § 600.6431. Court of Claims has exclusive jurisdiction over claims made against the State. M.C.L.A. § 600.6419**.**	Governmental agency is immune from tort liability if engaged in the exercise or discharge of a *governmental* function. A State employee will be immune from tort liability if: (1) acting or reasonably believes they are acting within the scope of employment; (2) the governmental agency is engaged in the exercise of a governmental function; or (3) does not involve gross negligence or an intentional act. M.C.L.A. § 691.1407. Immunity does not apply when engaged in a *proprietary* function (any activity which is conducted primarily for the purpose of producing a pecuniary profit for the governmental agency). M.C.L.A. § 691.1413.	Specific exceptions to immunity: (1) maintenance of public highways (knew or should have known of defect), M.C.L.A. § 691.1402; (2) negligent operation of a government-owned motor vehicle,* M.C.L.A. § 691.1405; (3) public building defects, M.C.L.A. § 691.1406; (4) performance of proprietary functions by government entities, M.C.L.A. § 691.1413; (5) medical care or treatment provided to a patient, M.C.L.A. § 691.1407(4); and (6) sewage disposal system events, M.C.L.A. § 691.1417. *Municipal employee's personal liability when driving his own vehicle or the municipality's vehicle is restricted to actions found to be "grossly negligent." *Alex v. Wildfong,* 594 N.W.2d 469 (Mich. 1999).	None Punitive damages are generally not recoverable unless authorized by statute. *Casey v. Auto Owners Ins. Co.,* 729 N.W.2d 277 (2006).

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MINNESOTA	**Tort Liability, Political Subdivisions.** M.S.A. §§ 466.01, *et seq*. Municipality liable for torts of their employees acting within scope of employment, regardless whether the action is *governmental* or *proprietary*. M.S.A. § 466.02.	Notice of Claim must be given within 180 days of loss. M.S.A. § 466.05.	Liable for negligent design, maintenance or operation of sewer system if no evidence that City balanced the costs and benefits of upgrading system. *Nordlie v. City of Maple Lake*, 2006 WL 923649 (Minn. App. 2006) (*unpublished*).	Exceptions to liability: (1) Accumulation ice and snow; unless public building; (2) Discretionary acts (arises out of a planning-level/policy-making decision); (3) Parks and recreation areas; (4) Beach of pool equipment; and (5) Any loss other than property damage or personal injury/death. M.S.A. § 466.03.	$500,000 Per Person; $1,500,000 Per Occurrence after July 1, 2009). If claim arises out of the release of a hazardous substance, then 2x the applicable limits apply. No punitive damages. If liability insurance, limits of insurance are the maximum. M.S.A. § 466.04.
MISSISSIPPI	**Mississippi Tort Claims Act.** M.C.A. §§ 11-46-1 through 11-46-23 (1984). "Governmental entity" includes state and its political subdivisions (county, municipality, school district, etc.). M.C.A. § 11-46-1(g)(i).	Notice of claim must be filed with chief executive officer of the governmental entity at least ninety (90) days before instituting suit. M.C.A. § 11-46-11(1). Suit must be commenced within one (1) year after the date of the tort. M.C.A. § 11-46-11(3). Bodily injury and property claims must be brought within three (3) years after injury discovered. M.C.A. § 11-15-49.	The immunity of governmental entity from claims arising out of *ministerial* acts is waived. M.C.A. § 11-46-5. "*Ministerial* act" is one which has been imposed by law and is required at a time and in a manner or upon conditions which are specifically designated, the duty to perform under the conditions specified not being dependent upon judgment or discretion. M.C.A. § 11-46-9(1)(d).	Governmental entity and its employees preserve their immunity for claims caused by: (1) a legislative or judicial action or inaction; (2) an act or omission of a State employee exercising due care in the execution of a statute or rule; (3) police/fire protection (unless reckless); and (4) *discretionary* function (official required to use judgment or discretion). See M.C.A. § 11-46-9 for other exceptions. Immunity will not be granted to a State employee when they negligently operate a motor vehicle outside of a discretionary function. *Mixon v. Mississippi Dep't of Transp.,* 183 So.3d 90 (Miss. Ct. App. 2015).	The State's liability shall not exceed $500,000 for all claims arising out of a single occurrence. The State will not pay punitive damages. M.C.A. § 11-46-15. The limits of insurance purchased by the entity may be higher than those provided for in the statute. M.C.A. § 11-46-16.

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MISSOURI	**Missouri Tort Claims Act.** Mo. Stat. §§ 537.600 - 537.650 (1978). Tort immunity not waived. Modified form of sovereign immunity. Public "entity" includes local government and its employees. Mo. Stat. § 537.602(2). Three immunities: (1) Sovereign immunity (2) Official Immunity (3) Public Duty Doctrine.	Claims against public entity must be brought to the Commissioner of Administration, for approval, within two (2) years after such claim accrues. Mo. Stat. § 33.120.	The immunity of public entity is waived in these instances: (1) injuries resulting from State employee's negligent act or omission while operating a motor vehicle within the scope of employment; (2) injuries caused by the dangerous condition of a State-owned property; and Mo. Stat. § 537.600. (these are absolute waivers). (3) Contract claims. *Kunzie v. City of Olivette*, 184 S.W.3d 570 (Mo. 2006).	Immunity is waived up to the extent of the coverage provided in the policy or self-insurance plan. Mo. Stat. §§ 537.610 (political subdivisions) and 71.185 (municipalities). No immunity for *proprietary* functions (for benefit or profit of municipality). Immunity only for *governmental* functions (for common good). Construction and maintenance of sewers is a proprietary function.	Claims shall not exceed $2,000,000 for claims arising out of a single occurrence and shall not exceed $300,000 for any one person in a single accident or occurrence. Public entity will not pay punitive damages. Mo. Stat. § 537.610. Political subdivision may purchase liability insurance.
MONTANA	**Montana Tort Claims Act.** Mont. Stat. §§ 2-9-101 through 2-9-114 (1973). "Political subdivision" includes counties, cities, municipalities, school districts, etc. Mont. Stat. § 2-9-101.	Claim must first be presented in writing to the clerk or secretary. The Department must grant or deny the claim within 120 days. Upon receipt of the claim, the statute of limitations is tolled for 120 days. Mont. Stat. § 2-9-301.	Political subdivision is subject to liability for its torts and those of its employees acting within the scope of employment or duties whether arising out of a *governmental* or *proprietary* function. Mont. Stat. § 2-9-102. No immunity for operating motor vehicle, aircraft, or other transportation. Mont. Stat. § 2-9-111.	Political subdivision shall not be liable for certain legislative, judicial, and gubernatorial actions. Mont. Stat. §§ 2-9-111 through 2-9-113. The liability of the state, county, or other local municipality is capped at $750,00. Mont. Stat. § 2-9-108. However, that cap will not apply when covered by an insurance policy with coverage limits in excess of the statutory cap. *Daniels v. Gallatin County*, 2022 WL 2680031 (Mont. July 12, 2022).	$750,000 Per Claim $1.5 Million Per Occurrence Mont. Stat. § 2-9-108. The State and other governmental entities are immune from exemplary and punitive damages. Mont. Stat. § 2-9-105. Insurer may agree by written endorsement to provide coverage to the governmental agency in amounts in excess of the statutory amount. Mont. Stat. § 2-9-108.

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NEBRASKA	**Political Subdivisions Tort Claims Act (PSTCA)**. Neb. Rev. Stat. §§ 13-901 to 928 (1969). Applies to counties, cities, municipalities, school districts, etc. Limited waiver of governmental immunity. PSTCA read in harmony with the State Tort Claims Act. *Kimminau v. City of Hastings,* 864 N.W.2d 399 (Neb. 2015).	Notice of claim must be filed within one (1) year of accrual. Suit must be filed within two (2) years. Neb. Rev. Stat. § 13-919. Must be filed with the clerk, secretary, or other official whose duty it is to maintain the official records of the political subdivision, or the governing body of a political subdivision may provide that such claims may be filed with the duly constituted law department of such subdivision. Neb. Rev. Stat. § 13-905. *Woodard v. City of Lincoln*, 588 N.W.2d 831, 838 (Neb. 1999). Time to file suit extended six (6) months from date of mailing of claim determination or withdrawal of claim if Statute of Limitations would expire. If no disposition of claim within six (6) months, claim can be withdrawn, and suit filed. Neb. Rev. Stat. § 13-919. City can be estopped from claiming it received inadequate notice from subrogated carrier. *Great N. Ins. Co. v. Transit Auth. of City of Omaha*, 2021 WL 1431862 (Neb. 2021).	Political subdivisions liable in same manner as private individual (ministerial act – duty imposed by law). Neb. Rev. Stat. § 13-908. Liable for operation of motor vehicle. Neb. Rev. Stat. § 13-910. Liable for sewer backup if city fails to take reasonable action to prevent backup. *Desel v. City of Wood River*, 614 N.W.2d 313 (Neb. 2000); H*enderson v. City of Columbus*, 811 N.W.2d 699, 712 (Neb. App. 2012).	Exceptions to liability: (1) *discretionary* function (official required to use judgment or discretion); (2) failure to inspect or negligent inspection of property unless reasonable notice; (3) claim by employee covered by workers' compensation; (4) malfunction or destruction of traffic sign unless not corrected within reasonable time after notice; (5) snow or ice conditions caused by nature on highway; (6) highway repair unless notice; and (7) recreational activities unless gross negligence. Neb. Rev. Stat. § 13-910. Substantial compliance when notice supplies the requisite and sufficient notice. *Chicago Lumber Co. v. School Dist. No. 71,* 417 N.W.2d 757 (Neb. 1988). In order to substantially comply with the requirements of § 13–919(1), notice must still be filed with an individual or office designated in the statute. *Willis v. City of Lincoln,* 441 N.W.2d 846 (Neb. 1989).	$1 Million Per Person $5 Million Per Occurrence Neb. Rev. Stat. § 13-926.

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NEVADA	**Nevada Tort Claims Act.** N.R.S. §§ 41.031 through 41.0337 (1965). Includes "political subdivisions" (counties, cities, school districts, etc.) N.R.S. § 41.031.	None A claim must be filed with the governing body of the local jurisdiction within two (2) years after cause of action accrues. Filing a claim isn't a condition precedent to bringing an action against political subdivision. N.R.S. § 41.036.	State waives the immunity of political subdivisions and consents to have their liability determined in accordance with the same rules of law as are applied to civil actions against natural persons, except as otherwise provided. N.R.S. § 41.031. Decision to divert storm water into ditch involved individual judgment or choice and was immune. *Warner v. City of Reno*, 367 P.3d 832 (Nev. 2010). Operating motor vehicle is not discretionary. Decision to install traffic sign is discretionary, but not duty to maintain. *Nevada Power Co. v. Clark Cty.*, 813 P.2d 477 (Nev. 1991).	No action may be brought against the political subdivision or its employees which are based upon: (1) the performance of a *discretionary* act (involves element of individual judgment or choice and is based on considerations of social, economic, or political policy); (2) failure to inspect any building, structure, vehicle, street, public highway or other public work, to determine any hazards, deficiencies or other matters, whether or not there is a duty to inspect; and (3) injury sustained from a public building or public vehicle by a person who was engaged in any criminal act. N.R.S. §§ 41.032, 41.033, 41.0334.	Damages against political subdivision may not exceed the sum of $100,000, exclusive of interest. The political subdivision will not pay punitive damages. N.R.S. § 41.035.

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NEW HAMPSHIRE	**Bodily Injury Actions Against Governmental Units**. N.H. Rev. Stat. §§ 507-B:1 to 541-B:11. Municipal and county common law immunity abolished in *Merrill v. City of Manchester*, 332 A.2d 378 (N.H. 1974) (liability same as that of private corporation).	Notice of Claim must be filed within sixty (60) days of discovery of injury. Suit must be filed within three (3) years of injury or damage. N.H. Rev. Stat. § 507-B:7.	**General Grant of Immunity.** No "governmental unit" liable except as provided in Chapter 507-B. N.H. Rev. Stat. § 507-B:5. Although it doesn't address it, "discretionary function immunity:(*discretionary* vs. *ministerial*) has been regularly applied by courts: • Decision to lay out roads; • Traffic control; and • Setting road maintenance. *Maryea v. Velardi*, 135 A.3d 121 (N.H. 2016). Statute doesn't completely occupy the field of municipal immunity.	Exceptions to immunity: "Governmental Unit" liable for damages *arising out of ownership, occupation, maintenance or operation of all motor vehicles, and all premises.** N.H. Rev. Stat. § 507-B:2. *No liability for snow, ice, or other weather hazards on premises owned, occupied, maintained, or operated, unless gross negligence. N.H. Rev. Stat. § 507-B2-b. "Governmental unit" means any political subdivision. N.H. Rev. Stat. § 507-B:1(I). "Political subdivision" means any village district, school district, town, city, county or unincorporated place in the state. N.H. Rev. Stat. § 541-B:1(VI).	$275,000 Per Person $925,000 Per Occurrence N.H. Rev. Stat. § 507-B:4.

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NEW JERSEY	**New Jersey Tort Claims Act.** N.J.S.A. §§ 59:1-1 through 59:12-3 (1972). "Public entity" includes all counties, municipalities, districts, and other political subdivisions. N.J.S.A. § 59:1-3. Immunity waived. A "public entity" is liable for injury caused by an act or omission of a public employee in the same manner and to the same extent as a private individual unless there is exception in Act. N.J.S.A. § 59:2-2.	A claim against a "public entity" for death or for injury or damage to person or to property shall be presented not later than the 90th day after accrual of the cause of action. Six (6) months after notice has been received, suit may be filed. Suit must be filed within two (2) years after the date of accrual. N.J.S.A § 59:8-8. A suit for contribution or indemnity against a public entity by a defendant is included in these requirements. *Jones v. Morey's Pier, Inc.,* 2017 WL 3184454 (N.J. 2017).	Public entity liable for: • Condition of property if dangerous condition and failure to take action "palpably unreasonable." N.J.S.A. § 59:2-3. • Sewer back up if maintenance program was palpably unreasonable or negligence in performance. • *Ministerial* or *operational* functions. • Negligent operation of motor vehicle. *Gruschow v. New Jersey State Highway Dep't*, 152 A.2d 150 (N.J. App. 1959).	Limitations on liability: • A *discretionary* function (involves policy judgment or determining resources or when or whether to purchase equipment, construct or maintain facilities, hire personnel or provide adequate services). N.J.S.A. § 59:2-3. • Adopting or failing to adopt a law or by failing to enforce any law. N.J.S.A. § 59:2-4. • Failure to make an inspection, or negligent inspection of any property. N.J.S.A. § 59:2-6. • Crime, actual fraud, actual malice, or willful misconduct. N.J.S.A. § 59:2-10. • Discretion in decision-making or prioritizing needs when faced with budgetary issues. See N.J.S.A. § 59:2-5 for other exceptions.	No Dollar Caps No subrogation allowed against "a public entity or public employee." N.J.S.A. § 59:9-2(e). No recovery for pain and suffering, but limitation on recovery unless permanent loss of bodily function, permanent disfigurement, or dismemberment when medical expenses are in excess of $3,600. Punitive damages cannot be awarded. N.J.S.A. § 59:9-2 (c) and (d).

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NEW MEXICO	**New Mexico Tort Claims Act.** N.M.R.A. §§ 41-4-1 through 41-4-30 (1976). The NMTCA applies to all governmental entities and their employees, including "local public bodies" (city, county, etc.). N.M.R.A. § 41-4-2A.	Written notice must be provided to local public body within ninety (90) days after the occurrence. N.M.R.A. § 41-4-16. Action against local public body must be brought within two (2) years after occurrence. N.M.R.A. § 41-4-15.	Immunity is not waived. Tort Claims Act shields *local public bodies* and their employees from liability for torts except when immunity is specifically waived. N.M.R.A. §§ 41-4-1 & 41-4-4.	Exceptions to immunity: (1) Operation or maintenance of any motor vehicle, aircraft or watercraft. N.M.R.A. § 41-4-5. (2) Operation or maintenance of any building, public park, machinery, equipment or furnishings. N.M.R.A. § 41-4-6. (3) Operating certain public utilities and services such as gas, electric, water, waste collection or disposal, heating, and ground transportation. N.M.R.A. § 41-4-8. (4) Constructing and maintaining any bridge, culvert, highway, roadway, street, alley, sidewalk, or parking area. N.M.R.A. § 41-4-8. See N.M.R.A. §§ 41-4-4 through 41-4-12 for other exceptions.	Liability shall not exceed: (1) $200,000 for damage to or destruction of real property; (2) $300,000 for past and future medical expenses; (3) $400,000 for all damages other than real property damage and medical expenses; and (4) total liability for a single occurrence shall not exceed $750,000. Local public body will not pay punitive damages. N.M.R.A. § 41-4-19.

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NEW YORK	**New York Court of Claims Act.** N.Y. Ct. Cl. Act §§ 8 – 12 (1929). State waives immunity and consents to being sued in the same manner as a private person would, so long as requirements of the Court of Claims Act are complied with. Parallel statute deals with Port Authority almost identically. N.Y. Unconsol. Law §§ 7101 to 7112.	Written Notice of Claim must be filed and served on the municipal government agency, by personal delivery, or registered or certified mail within 90 days (6 months for breach of contract claims) after the claim arises. It must be served on a person designated by law to receive summonses in Supreme Court actions or an attorney representing the public corporation. N.Y. Ct. Cl. Act § 10. Specific requirements for filing claim. N.Y. Ct. Cl. Act § 11. Court of Claims has exclusive jurisdiction over claims against State but not city, county or town. Suit must be filed within one year and 90 days after incident. N.Y. Gen. Mun. Law § 50-i.	If the act is a *discretionary* (decision based on policy) there is immunity. *Valdez v. City of N.Y.*, 960 N.E.2d 356 (N.Y. 2011). If act is *proprietary* (act could be undertaken by a private enterprise, such as property ownership, operation of a motor vehicle, or providing hospital services. there is liability). Every county, municipality (except NYC) is liable for the negligent operation of a municipally owned vehicle or other transportation. N.Y. Gen. Mun. Law §§ 50-a, 50-b. However, emergency vehicle involved in "emergency operation" (pursuing violator of the law) with lights and sirens on, is immune. N.Y. Veh. & Traf. § 1104. Authorized emergency vehicles, § 1104; *Fuchs v City of New York*, 2017 WL 4202315 (Sup. Ct. 2017). Municipality liable for construction defects or inadequate maintenance. *Briga v. Town of Binghamton*, 778 N.Y.S.2d 545 (3rd Dept. 2004).	If *governmental* act involved, municipality is liable only if there was a *special duty* owed to plaintiff as opposed to mere public duty (Public Duty Defense). Special duty formed in three ways: (1) Statute for class of persons; (2) Assumption of duty toward person (most common); and (3) Assume direction and control in face of known safety violation. If *ministerial* act, plaintiff must still show a special duty existed. *McLean v. City of New York*, 905 N.E.2d 1167 (N.Y. App. 2009) (duty trumps all else). If *governmental* act and *special duty* exists, no immunity if act was *ministerial*. If *discretionary*, government must actually have exercised its discretion to be immune.	None. No punitive damages allowed. *Wang v. N.Y. State Dep't of Health*, 933 N.Y.S.2d 503 (N.Y. Sup. Ct. 2011).

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NORTH CAROLINA	Local government immune from *governmental* acts in scope of employment, but not *proprietary* acts. *Data Gen. Corp. v. City of Durham*, 545 S.E.2d 243 (N.C. App. 2001). **Public Duty Doctrine:** When government protecting public at large – automatically immune. No special relationship.	None Cities may adopt own notice requirements. *Miller v. City of Charlotte*, 219 S.E.2d 62 (N.C. 1975).	Immunity waived if liability insurance purchased, up to limits of policy. **County:** N.C.G.S.A. § 153A-435. **Cities:** N.C.G.S.A. § 160A-485. Risk pool considered insurance. If local government has immunity, but settles some claims but not others, may be liable under 42 U.S.C. § 1983 (*Dobrowolska* Claim).	Cities with population over 500,000 (only Charlotte) can waive immunity and become subject to the NCTCA. **Proprietary Function:** Not traditionally done by government; also performed by private sector; don't benefit public as whole, charge fee (*e.g.,* golf course, sewer backup due to poor maintenance). **Governmental Function:** Performed for public at large; discretionary. (*e.g.,* decision to construct sewer)	Per Person: No Cap Per Occurrence: $1 Million Punitive damages not allowed unless authorized by statute. *Jackson v. Hous. Auth. of City of High Point*, 341 S.E.2d 523 (N.C. 1986)
NORTH DAKOTA	Political subdivision is liable (1) under circumstances in which the employee would be personally liable, or (2) caused by some condition or use of real or personal property. N.D.C.C. § 32-12.1-03.	None Suit must be filed against political subdivision within three (3) years. N.D.C.C. § 32-12.1-10.	City liable for light and power distribution but not for operation and maintenance of city water sewer system (where no statutes, regulations, or policies prescribing course of action for maintenance and operation). *Olson v. City of Garrison*, 539 N.W.2d 663 (N.D. 1995).	No liability if: (1) Execution of statute; (2) *Discretionary* function (decision making, matter of choice or judgment); and (3) Public duty (unless special relationship). N.D.C.C. § 32-12.1-03(3).	$250,000 Per Person $1 Million Per Occurrence N.D.C.C. § 32-12.1-03. Liability insurance or self-insurance pool may be obtained by political subdivision to cover liability in excess of statutory limits. Statutory limits then in applicable. N.D.C.C. § 32-12.1-05.

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OHIO	**Political Subdivision Tort Liability Act**. Ohio Rev. Code §§ 2744.01 to 3744.10. Political subdivision is immune from both *governmental* and *proprietary* acts, unless exception in statute. Ohio Rev. Code § 2744.03.	None Suit must be filed within two (2) years of accrual. Ohio Rev. Code § 2744.04.	Five Exceptions to Immunity: • Operating motor vehicle; • *Proprietary* acts; • Repair of roads; • Defect of grounds/bldg.; • Liability under § 2743.02; and • Failure of county to erect and maintain guardrails under § 5591.37. Ohio Rev. Code § 2744.03 Decision re: upgrading sewer is governmental function. No immunity for failure to repair sewer system, but immunity if complaint requires design or reconstruction of sewer. *Matter v. City of Athens,* 21 N.E.3d 595 (Ohio 2014); *Coleman v. Portage,* 975 N.E.2d 952 (Ohio 2012).	***Governmental* Function:** For common good of all citizens. Police, fire, regulation and maintenance of roads, judicial, legislative functions. ***Proprietary* Function:** Action traditionally engaged in by private sector (maintenance/operation of hospital, public utility, sewer system, parking lot). No liability under five exceptions if defense exists under § 2744.02(B): • *Discretionary* act (planning); • Not in course and scope; • Malicious/bad faith act. Ohio Rev. Code § 2744.03.	No subrogation claims. Damages reduced by other collateral source recoveries received by the claimant. Ohio Rev. Code § 2744.05(B). No limit on economic damages (medical, lost wages, etc.). Non-economic damages capped at $250,000. Non-catastrophic medical malpractice claims: $350,000 Per Person $500,000 Per Occurrence Catastrophic medical malpractice claims: $500,000 Per Person $1 Million Per Occurrence Ohio Rev. Code § 2744.05.

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OKLAHOMA	**Oklahoma Governmental Tort Claims Act.** 51 Okla. Stat. § 151 – 200 (1978). 51 Okla. Stat. § 152.1(A) political subdivisions are immune whether performing *governmental* or *proprietary* function. 51 Okla. Stat. § 152.1(B) waives immunity as provided in the Act. Same statutory provisions apply to political subdivisions as to state.	Notice of claim within one year after loss. 51 Okla. Stat. § 156(B). Notice filed CMRRR with Risk Management Administrator of the Office of Public Affairs. 51 Okla. Stat. § 156(C). Suit may be filed once claim denied (deemed denied if not approved within 90 days). Plaintiff has 180 days after 90-day period to file. 51 Okla. Stat. § 157.	State employee acting in scope of employment is liable for loss unless falls under exceptions (General Waiver of Immunity). 51 Okla. Stat. § 152.1(A). Liable for operation of motor vehicles. However, liability limited to amount of liability insurance purchased. 51 Okla. Stat. §§ 157.1-158.2.	Thirty-seven (37) exceptions where State not liable for torts of State employees acting in scope of employment: (1) legislative functions; (2) *discretionary* acts such as policy decisions (limited). "Planning-operational" approach to understanding the scope of this exception to liability; (3) natural snow or ice conditions; (4) absence, condition, location or malfunction of traffic sign unless not corrected within reasonable time after notice; (5) subrogation claim; and (6) any loss to person covered by workers' compensation. See 51 Okla. Stat. § 155 for more exceptions.	Property Claims: $25,000. Other Losses: $175,000 per person. ($200,000 for medical negligence). $1 million per occurrence. 51 Okla. Stat. § 154(A). No punitive damages. Several liability only. 51 Okla. Stat. § 154. If insurance, policy terms govern rights and obligations of State. 51 Okla. Stat. § 158. No subrogation claims allowed against political subdivision. 51 Okla. Stat. § 155(28).
OREGON	**Tort Actions Against Public Bodies (a/k/a Oregon Tort Claims Act).** O.R.S. §§ 30.260 - 30.300 (1967). "Public body" includes cities, municipalities, and other local public bodies.	Action must be commenced within two (2) years. O.R.S. § 30.275(9). Notice of claim to any member of the governing body of the public body within 180 days (one (1) year for death). No particular form for notice. Actual notice may suffice. O.R.S. § 30.275.	Oregon Tort Claims Act is limited (partial) waiver of sovereign immunity. Every public body subject to liability for its employees' and agents' torts committed within the scope of their employment, including operation of motor vehicles. O.R.S. § 30.275.	Exceptions to liability: (1) injury covered by workers' compensation; (2) exercise of *discretionary* function* or duty; and (3) act under apparent authority of law. (6) no liability to any person injured or killed who was covered by workers' compensation insurance. O.R.S. § 30.265(6). **Discretionary* function is policy-making decision (policy judgment). Negligent implementation of policy is not immune. No immunity if duty to act.	Personal Injury: $691,200 per person. $1,382,300 per occurrence. Property damage: $113,400 per person. $566,900 per occurrence. O.R.S. §§ 30.271(4), 30.272(4), 30.273(3) (through 7/1/17). Claims which are subject to the OTCA are not subject to O.R.S. § 30.710, setting limit of $500,000 for non-economic damages in civil actions. O.R.S. § 30.269(2).

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PENNSYLVANIA	**Political Subdivision Tort Claims Act**. 42 Pa. C. S. §§ 8541, 8542. Immunity not waived for local governmental entities (local agency), unless exception in statute. 42 Pa. C. S. §§ 8541. "Local Agency" means a government unit other than the Commonwealth government. 42 Pa. C. S. § 8501.	Notice of Intention to Make Claim against "Local Agency" must be made within six months after cause of action accrued. 42 Pa. C. S. § 5522. No notice needed where "dangerous condition" of real estate, highways, and sidewalks. Potholes require actual written notice and time to fix. Actual or constructive notice okay. 42 Pa. C. S. § 5522(a)(3). No notice required for claim arising from the "care, custody or control" of its real property. 42 Pa. C. S. § 8542(b)(3).	Local Agency liable when: • Operation of motor vehicle; • Care custody and control of personal property; • Care custody and control of real property; • Dangerous conditions of trees, traffic signs, lights or other traffic controls; • Dangerous conditions of facilities of steam, sewer, water, gas or electric systems; • Dangerous condition of streets; • Dangerous conditions of sidewalks; and • Care custody or control of animals. 42 Pa. C. S. § 8542.	No subrogation claims against local agencies. 42 Pa. C. S. § 8553(d).	No Limit Per Person $500,000 Per Occurrence 42 Pa. C. S. § 8553. Pain and suffering only permitted for permanent loss of bodily function, permanent disfigurement or permanent dismemberment where medical expenses exceed the sum of $1,500. *Walsh v. City of Philadelphia*, 585 A.2d 445 (Pa. 1991).
RHODE ISLAND	**Governmental Tort Liability Act.** R.I.G.L. § 9-31-1 (1970). State and all political subdivisions are liable for all *actions of tort* in the same manner as a private individual or corporation unless exception in statute. R.I.G.L. § 9-31-1.	Three (3) year statute of limitation for any action against State. R.I.G.L. § 9-1-25. Notice of Claim must be given within three (3) years from the date the cause of action accrues. R.I.G.L. § 9-1-25.	Can sue for operation of motor vehicle. *Catone v. Medberry*, 555 A.2d 328 (R.I. 1989). Former distinction between *proprietary* and *governmental* functions no longer is either controlling or of significant assistance in determining liability of municipality (except within public duty doctrine). *O'Brien v. State*, 555 A.2d 334 (R.I. 1989), *holding modified by Verity v. Danti*, 585 A.2d 65 (R.I. 1991).	There are few conditions on the State's consent to suit. *Marrapese v. State*, 500 F. Supp. 1207 (D. R.I. 1980). The *public duty doctrine* grants immunity to government entities and employees engaging in uniquely governmental (*discretionary*) functions involving policy decisions or not ordinarily performed by private individuals. Two exceptions: (1) Special duty (*i.e., proprietary* acts such as driving car, or removing snow from walkway); and (2) Egregious conduct. *Bierman v. Shookster*, 590 A.2d 402 (R.I. 1991).	Damages may not exceed $100,000. R.I.G.L. § 9-31-3. Limit not applicable if political subdivision was engaged in a *proprietary* function or has agreed to indemnify the federal government or any agency. R.I.G.L. § 9-31-3.

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SOUTH CAROLINA	**South Carolina Tort Claims Act.** S.C. Code Ann. § 15-78-10, *et seq.* (1986). Limited waiver of sovereign immunity, subject to exceptions. Political subdivision is liable for torts to the same extent as private individual, subject to limitations. S.C. Code § 15-78-40.	Notice is not prerequisite to filing suit. However, two (2) year statute of limitations; Three (3) years if Notice of Claim filed. S.C. Code § 15-78-110. Must wait 180 days after earlier of (1) date claim filed; (2) claim denied; or (3) rejection of settlement offer. If claim procedure followed, must be filed within one (1) year. S.C. Code § 15-78-80.	Sovereign immunity waived (State liable) for all torts unless one of 40 listed exceptions to waiver of immunity.	Non-exclusive list of 40 exceptions to the general waiver of political subdivision sovereign immunity, including, among others: (1) legislative, judicial actions; (2) *discretionary* acts; (3) natural snow or ice conditions; (4) authorized entry on property; (5) absence or condition of traffic sign or barrier unless given reasonable notice to repair; (6) claim against DOT allowed for improper maintenance but not faulty design; and (7) any judicial proceeding. S.C. Code § 15-78-60.	$300,000 Per Person $600,000 Per Occurrence No Punitive Damages For claims against government doctors, dentists, etc.: $1.2 million per occurrence and aggregate limit. S.C. Code § 15-78-120.
SOUTH DAKOTA	**Remedies Against Public Entities**. S.D.C.L. §§ 21-32a-1 to 21-32a-3. To extent of risk pool or liability insurance purchased, sovereign immunity waived.	Written notice of claim must be filed within 180 days. Suit must be filed within one (1) year. S.D.C.L. §§ 21-32a-1	Public entities liable for *ministerial* acts. *King v. Landguth,* 726 N.W.2d 603 (S.D. 2007).	**Discretionary:** Highway construction and Maintenance; Allocating plows, resource and equipment for snow removal. **Ministerial:** Once it is determined that act should be performed, subsequent performance is ministerial. (*e.g.,* operating motor vehicle). *Masad v. Weber*, 772 N.W.2d 144 (S.D. 2009).	None

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TENNESSEE	**Tennessee Governmental Tort Liability Act.** Tenn. Code § 29-20-201, *et seq.* (1973). General immunity granted to counties, municipalities, and other local governmental agencies, unless waived.	None Action must be brought within twelve (12) months. Tenn. Code § 29-20-305.	Exceptions to immunity: (1) Negligent operation of motor vehicles; (2) Negligent construction or maintenance of streets, alleys or sidewalks; (3) Negligent construction or maintenance of public improvements; (4) *Discretionary* functions; and (5) Failure to make or negligent inspection. Tenn. Code §§ 29-20-202 to 29-20-205.	Local government employees may be individually liable. If government liable, employee is immune, unless intentional. Tenn. Code § 29-20-310(b)(c). City responsible for keeping streets and sidewalks in safe repair and is liable for injuries caused by negligence. *Shepherd v. City of Chattanooga*, 76 S.W.2d 322 (Tenn. 1934).	Damages may not exceed local government's insurance coverage. Tenn. Code § 29-20-311. Governmental entity must purchase insurance with minimum limits of: **Personal Injury:** $300,000 Per Person $600,000 Per Occurrence **Property Damage:** $100,000 per act or occurrence. Tenn. Code § 29-20-403.

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TEXAS	**Texas Tort Claims Act (TTCA).** Tex. Civ. Prac. & Rem. Code §§ 101.001–.109 (1969). TTCA is a limited waiver of sovereign immunity (qualified immunity) for certain torts. "Governmental unit" includes a political subdivision (city, county, school district, etc.). Tex. Civ. Prac. & Rem. Code §§ 101.001(3).	Formal, written notice no later than six (6) months after day the incident occurs, reasonably describing: (1) the damage or injury claimed; (2) the time and place of the incident; and (3) the incident. Tex. Civ. Prac. & Rem. Code Ann. § 101.101(a). "Actual notice" can substitute. Tex. Civ. Prac. & Rem. Code Ann. § 101.101(c).	Governmental unit liable for *proprietary* acts, including: • operation and maintenance of a public utility; • amusements owned and operated by the municipality; and • any activity that is abnormally dangerous or ultra-hazardous. Tex. Civ. Prac. & Rem. Code § 101.021 (non-exclusive list). Municipal liability exists only to extent immunity waived. Municipality liable for: • motor vehicle; • condition or use of person/real property. See Tex. Civ. Prac. & Rem. Code Ann. § 101.021.	Immunity for *governmental* functions (police, fire, health and sanitation). Three activities listed that are considered *governmental* functions: • police and fire; • health and sanitation; and • bridge/road maintenance and construction. This section doesn't waive immunity. Must look to § 101.021 to determine if act is *proprietary*. Tex. Civ. Prac. & Rem. Code § 101.0215(b). *Proprietary* acts include construction and maintenance of streets, sanitary or storm sewers. There is NO waiver of immunity for junior college or school districts, except as to motor vehicles. Tex. Civ. Prac. & Rem. Code §§ 101.023 and 100.051. There is a constitutional "taking" when a governmental entity physically damages private property in order to confer a public benefit, under Article I, Section 17 of the Texas Constitution, if it (1) knows that a specific act is causing identifiable harm; or (2) knows that the specific property damage is substantially certain to result from an authorized government action. *Webb v. City of Forth Worth*, 2022 WL 123219 (Tex. App. 2022).	**Bodily Injury/Death:** $250,000 Per Person $500,000 Occurrence **Damage to Property:** $100,000 Occurrence Tex. Civ. Prac. Rem. Code § 101.023. Can recover property damage and personal injury for motor vehicle exception; but only personal injury for death for condition or use of real/personal property.

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UTAH	**Utah Governmental Immunity Act (GIAU).** U.C.A. §§ 63G-7-101 through 63G-7-904 (1963). "Governmental Entity" and its employees retain immunity for all "*governmental functions*" (defined as "activity, undertaking, or operation of a governmental entity") no matter how labelled, unless expressly waived in Act. "Governmental Entity" includes State and all its political subdivisions.	Written Notice of Claim must be filed within one (1) year after denial of claim. U.C.A. §§ 63G-7-401. Within sixty (60) days of filing written Notice of Claim government must approve or deny. Then suit can be brought. U.C.A. §§ 63G-7-401, 402, 403. Plaintiff has one (1) year after denial of claim or after the 60-day period ends to bring the action. Utah Code Ann. §§63-G-7-401, 402, 403.	No liability (exceptions to waiver) for: (1) *discretionary* function (distinct and limited immunity for decision that involves policy-making function); See "*Little* Test" *Little v. Utah*, 667 P.2d 49 (Utah 1983) (*e.g.,* fire fighting). (2) assault, false imprisonment; (3) negligent inspection; (4) judicial proceedings; (5) operation or repair of flood systems; and (6) many others. U.C.A. § 63G-7-201. Governmental entity immune from latent condition of road, tunnel, bridge, sidewalk or any public building or structure.	Immunity waived as to: (1) any act by employee in scope of employment; (2) contractual obligations; (3) defective, unsafe condition of road, sidewalk, bridge, etc.; (4) defect or condition of building, structure, etc. (U.C.A. § 63G-7-301); and (5) injury or damage resulting from employee driving or being in control of a vehicle. U.C.A. § 63G-7-202(3)(c)(2). Three-part test to determine whether there is immunity: (1) whether the activity is a governmental function; (2) whether governmental immunity was waived for the particular activity; and (3) whether there is an exception to that waiver. *Winkler v. Lemieux*, 329 P.3d 849 (Utah App. 2014).	**Property Damage:** $233,600. U.C.A. § 63G-7-604(1)(c). **Personal Injury:** $583,900. U.C.A. § 63G-7-604(1)(a). $2 million aggregate limit for single occurrence. U.C.A. § 63G-7-604(1)(d).

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VERMONT	Common law immunity. Vermont Supreme court has held municipalities liable only where act is *proprietary* in nature and not *governmental*. *Hillerby v. Town of Colchester*, 706 A.2d 446 (Vt. 1997); *Morway v. Trombley,* 789 A.2d 965 (Vt. 2001).	Notice of a claim against a town for insufficiency of a bridge or culvert must be within twenty (20) days. Vt. Stat. Ann. 19, § 987. Personal injury and property claims must be filed within three (3) years. Vt. Stat. Ann. 12, §§ 512(4) and 512(5). Small claims ($2,000 or less) actions against the State must be filed within 18 months. Vt. Stat. Ann. Tit. §32-932.	Municipality liable for *proprietary* function, but not for *governmental* function. One of the few states that retains the governmental-proprietary distinction. **Governmental Function:** A weighing of the type of public policy considerations that would warrant shielding from liability.	Construction and maintenance of streets and sidewalks are *governmental* functions protected by doctrine of sovereign immunity, but maintenance of sewers is a *proprietary* function not protected. *Dugan v. City of Burlington*, 375 A.2d 991 (Vt. 1977). Municipal employee liable for operation of motor vehicle because of general duty to keep proper lookout and operate vehicle in safe manner. *Morway v. Trombly*, 789 A.2d 965 (Vt. 2001).	Damages against a town for insufficiency of bridge or culvert is $75,000 or the limits of liability insurance, whichever is greater. Vt. Stat. Ann. 19, § 985. A municipality's sovereign immunity to the extent of its insurance coverage. Vt. Stat. Ann. 29, § 1403.
VIRGINIA	Doctrine of sovereign immunity has not lost its vitality in Virginia. Va. St. § 8.01-195.3; *Messina v. Burden*, 321 S.E.2d 657 (Va. 1984).	Notice of claim must be given within six (6) months of accrual. Va. St. § 8.01-195.3.	Municipal corporations are immune from liability when performing *governmental* functions but are not when exercising *proprietary* functions. *Niese v. City of Alexandria,* 564 S.E.2d 127 (Va. 2002); *T Jean Moreau & Assocs. v. Health Ctr. Comm'n*, 720 S.E.2d 105 (Va. 2012). Liable only for gross negligence in operation of pols, parks, playgrounds. Va. St. § 15.2-1809.	*Counties* viewed as "political subdivisions" of Commonwealth and entitled to same immunity. *Mann v. Arlington County Bd*., 98 S.E.2d 515 (Va. 1957) (no governmental-proprietary distinction). Cities receive reduced immunity. May be liable if *proprietary* function, immune if *governmental* function. *Hoggard v. City of Richmond*, 200 S.E. 610 (Va. 1939).	No caps for local government. Va. St. § 8.01-195.3.

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WASHINGTON	**Actions Against Political Subdivisions, Municipal and Quasi-Municipal Corporations**. R.C.W.A. §§ 4.96.010 to 50 (1967). "Local governmental entity" means a county, city, town, special district, municipal corporation.	Notice of claim on standard form must be presented to appointed agent of local government within applicable statute of limitations. R.C.W.A. § 4.96.020. Suit can be filed sixty (60) days after filing of Standard Notice of Claim Form.	Local governmental entities liable for both *governmental* and *proprietary* acts to the same extent as if they were a person. R.C.W.A. § 4.96.010(1).	No liability for *discretionary* functions (planning or operational level). R.C.W.A. § 4.96.010(2). *Evangelical United Brethren Church of Adna v. State*, 407 P.2d 440 (Wash. 1965).	None
WEST VIRGINIA	**The Governmental Tort Claims and Insurance Reform Act.** W. Va. Code § 29- 12A-1, *et seq.* (applies only to political subdivisions, not the State) Political subdivision employee has *qualified* immunity. Governmental immunity laws are confusing with patchwork of inconsistent holdings. *W. Virginia Dep't of Health & Human Res. v. Payne*, 746 S.E.2d 554 (W.Va. 2013).	Two (2) years after the cause of action arose or after the injury, death or loss was discovered or reasonably should've been discovered, whichever last occurs or within any applicable shorter period of time. W. Va. Code §29-12A-6.	Political subdivisions absolutely immune from policy-making acts and have qualified immunity for *discretionary* acts that do not violate clearly established rights and laws. Political subdivisions liable for certain types of claims: (1) Operation of motor vehicle; (2) Maintenance of public property; and (3) Negligent maintenance of roads, sidewalks, bridges, sewers and aqueducts. W. Va. Code §29-12A-4(3).	2-Step Process (1) Court identifies whether the nature of the act policy-making acts (immune) or *discretionary governmental* functions (Step 2). (2) If act is *discretionary*, court determines if plaintiff's statutory or constitutional rights violated. If not, State is immune. An insurance policy may waive defense of immunity. *W. Virginia Reg'l Jail & Corr. Facility Auth. v. A.B.*, 766 S.E.2d 751 (W. Va. 2014). For list of acts for which immune see §29-12A-5.	No limit on economic damages. Non-economic damages limited to $500,000 per occurrence. W. Va. Code §29-12A-6. Complaint must include a demand for a judgment for the damages that the judge in a nonjury trial or the jury in a jury trial finds that the complainant is entitled to be awarded but shall not specify in the demand any monetary amount for damages sought. W. Va. Code §29-12A-6(a).

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WISCONSIN	**Claims Against Government Bodies or Officers, Agents or Employees**. Wis. Stat. §§ 893.80 to 893.83 (1987). Local agencies and their employees are generally immune from liability. Wis. Stat. § 893.80(4). Governmental entities are required to indemnify their employees for suits related to acts committed within the scope of their employment. Wis. Stat. § 895.46. Therefore, it is possible for a plaintiff to indirectly recover damages from a government entity by filing suit directly against an officer or employee.	Notice of Claim served on proper agency must be made within 120 days of date of occurrence. Actual notice exception. Wis. Stat. § 893.80 Normal Statute of Limitations for property damage is six (6) years, but suit against government agency must be filed within three (3) years from date notice is given. Wis. Stat. § 893.80.	Public officer or employee immune for *discretionary* acts. *Barillari v. City of Milwaukee,* 533 N.W.2d 759 (Wis. 1995); Wis. Stat. § 893.80 (Wisconsin's Discretionary Immunity Statute). Wisconsin Safe Place Statute (Wis. Stat. § 101.11). Employer must provide safe workplace. Conflict as to whether it imposes a *ministerial* or *discretionary* duty. Municipality liable for operation of motor vehicle. Wis. Stat. § 345.05. Whether Safe Place Statute (§ 101.11) requires employers to furnish safe place of employment, whether it imposes a ministerial or discretionary duty on a government employer is not clear but is likely discretionary. *Spencer v. County of Brown,* 573 N.W.2d 222 (Wis. App. 1997). But see *Anderson v. City of Milwaukee,* 544 N.W.2d 630 (Wis. App. 1996).	Three exceptions to general rule of immunity: (1) Wilful and wanton activity; (2) *Ministerial* task; and (3) Employee aware of known and compelling danger that creates duty to act. *Barillari*, supra. *Ministerial* task occurs when act is certain, absolute, and imperative, involving merely the performance of a specific task which the law imposes, prescribes and defines. If act involves judgment or discretion, then there is immunity because it is a discretionary and not a ministerial act. *Bauder v. Delavan-Darien Sch. Dist.*, 558 N.W.2d 881 (Wis. App. 1996) (decision of teacher to move class indoors was discretionary). Sewer system design and construction is *discretionary*. Sewer system maintenance is a *ministerial*. *Menick v. City of Menasha,* 547 N.W.2d 778 (Wis. App. 1996). No action can be maintained for accumulation of snow or ice on any bridge or highway unless the accumulation existed for three weeks. Wis. Stat. § 893.83.	Claim against municipality for negligent use of a municipal motor vehicle limited to $250,000. No punitives. Wis. Stat. § 345.05(3). Actions involving government vehicles exempt from registration under Motor Vehicle Code limited to $50,000. Wis. Stat. § 345.05(1)(bm). Limit of $50,000 against any volunteer fire company, political corporation, government subdivision or agency. Wis. Stat. § 893.80(3). Damages against a volunteer fire company are limited to $25,000. Wis. Stat. § 893.80(1)(b)(3).

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WYOMING	**Wyoming Governmental Claims Act (WGCA).** Wyo. Stat. §§ 1-39-101 to 121 (1979). Except as provided in the WGCA, a governmental entity (*i.e.,* state or local government body) is granted immunity from liability for any tort. Wyo. Stat. § 1-39-104.	Written Notice of Claim must be presented with two (2) years. Wyo. Stat. § 1-39-113. Compliance with Notice of Claim requirement no longer has to be alleged in complaint. *Brown v. City of Casper*, 248 P.3d 1136 (Wyo. 2011). Suit must be filed within one (1) year of written Notice of Claim. Wyo. Stat. § 1-39-114.	Claims allowed for: (1) Operating motor vehicle: Wyo. Stat. § 1-39-105. (2) Operating building or park: Wyo. Stat. § 1-39-106. (3) Airport: Wyo. Stat. § 1-39-107 (4) Operating public utilities (gas, electric, water, etc.) and ground transportation: Wyo. Stat. § 1-39-108. (5) Operating hospital: Wyo. Stat. § 1-39-109. (6) Torts of police: Wyo. Stat. § 1-39-112.	The WGCA abolishes all judicially created categories such as governmental or *proprietary* functions and *discretionary* or *ministerial* acts previously used by the courts to determine immunity or liability. Exclusions from the waiver of liability are listed at W.S. 1-39-120: (1) defect in plan or design of bridge, culvert, highway, road, street, sidewalk or parking lot; (2) failure to construct or reconstruct bridge, culvert, etc.; and (3) maintenance, including maintenance to compensate for weather conditions, of any bridge, culvert, etc.	**Personal Injury:** $250,000 per person; $500,000 per occurrence. Governmental entity can purchase liability insurance in which case limits are extended to match limits of policy. Wyo. Stat. § 1-39-118. **Property Damage:** Claim must be less than $500. Wyo. Stat. § 1-39-118(f). **Health Care:** Claims against providers limited to $1 million regardless of claims or claimants. Wyo. Stat. § 1-39-1109(b).