

NOTICE OF TORT CLAIM

Please complete **BOTH** pages of this form. Please print or type the responses, list a Total Amount at the bottom, and sign & date the form.

City, Town or Municipal Trust involved: _____

CLAIMANT INFORMATION

NAME: _____	GENDER: M / F	DATE OF BIRTH: _____
MAILING ADDRESS: _____	PHONE NO.: _____	SSN#/TaxID# _____
_____	EMAIL: _____	_____

If there are multiple claimants, list the additional claimants on the back side of this page

CLAIM INFORMATION

DATE OF INCIDENT: ___/___/___	TIME: <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	LOCATION: _____
DESCRIBE INCIDENT (use additional sheets if needed): _____		

COMPENSATION REQUESTED

PROPERTY DAMAGE: Is the claim seeking compensation for loss or damage to your Property? _____ Yes _____ No
If you checked "yes", please describe the property and the damage to the property: _____

If you checked "yes", please state the Compensation requested for loss/damage to property: \$ _____
<i>Please complete the applicable sections on the backside of this form.</i>

OTHER DAMAGE: Is the claim seeking compensation <u>other than</u> for loss or damage to property? _____ Yes _____ No
If you checked "yes", please describe the type of injury or damage you sustained: _____

If you checked "yes", please state the Compensation requested <u>other than</u> for loss/damage to property: \$ _____
<i>Please complete the applicable sections on the backside of this form.</i>

TOTAL AMOUNT REQUESTED TO FULLY SETTLE THE ABOVE CLAIM(S): \$ _____

CLAIMANT SIGNATURE: _____ **DATE SUBMITTED:** _____
(Required) *(Required)*

NOTICE OF TORT CLAIM

See Title 51 of the Oklahoma statutes, §157 for the statutory timeline applicable to tort claims. Any settlement of a tort claim is subject to the public entity's obligations under applicable State and Federal law related to child support and Medicare reporting and reimbursement.

ADDITIONAL TORT CLAIMANTS (if applicable)

NAME: _____	SOCIAL SEC. NO.: _____	
ADDRESS: _____	DATE OF BIRTH: _____	
EMAIL: _____	PHONE NO.: _____	GENDER: M / F
NAME: _____	SOCIAL SEC. NO.: _____	
ADDRESS: _____	DATE OF BIRTH: _____	
EMAIL: _____	PHONE NO.: _____	GENDER: M / F
NAME: _____	SOCIAL SEC. NO.: _____	
ADDRESS: _____	DATE OF BIRTH: _____	
EMAIL: _____	PHONE NO.: _____	GENDER: M / F

WITNESS INFORMATION (if applicable)

The following individuals may have information related to the claim, including damages requested:		
Name	Address	Phone and/or Email
Name	Address	Phone and/or Email

DAMAGES AND INSURANCE INFORMATION

Property Damage Claims: The following information must be submitted (if available) for property loss/damage claims:	
Copy of vehicle title (if applicable), appraisal(s), estimate(s) or repair bill(s) attached?	___ Yes ___ No
Was the property insured? ___ Yes ___ No	If "Yes", was a Claim filed with your insurer? ___ Yes ___ No
Insurance Company: _____	Policy No.: _____
Amount Claimed: \$ _____	Amount Received: \$ _____
Other Damage Claim: If medical treatment was provided, the following must be submitted (if available):	
Treatment Provider(s): _____	

Copies of all medical bills attached?	___ Yes ___ No
Was the injured claimant on the job at the time of the injury?	___ Yes ___ No
Is the injured claimant eligible for benefits through Medicare / Medicaid?	___ Medicare ___ Medicaid ___ No
Did the injured claimant have health insurance?	___ Yes ___ No
Total # of Pages of documentation attached by Claimant(s) to this Notice of Tort Claim: _____	

MUNICIPALITY / TRUST'S ATTACHMENT TO NOTICE OF TORT CLAIM

Frequently Asked Questions

Can I refuse to accept a Tort Claim if the person does not use the Notice or does not fully complete the Notice?

No. A tort claim has to be submitted in writing, but a person has no obligation to use any particular form in submitting a tort claim or to fully complete a form that is provided by the public entity. If the document the person submitted is not legally sufficient, OMAG will communicate that to the claimant.

Whether or not the Notice of Tort Claim form is used, you should complete the Municipality / Trust's Attachment form and submit that form with the claim to OMAG.

Should I wait to send OMAG the Notice of Tort Claim until I gather statements and documentation?

No. A tort claim should be sent to OMAG as soon as possible after it is received. If records related to the claim can easily be gathered on the day that the claim is filed, then they can be submitted to OMAG with the claim. But if it will take more than a day to gather those records, please submit the claim right away. The records can then be submitted after they are gathered.

Why does OMAG ask for the date the Clerk/Representative received the Notice separately from the date the City, Town or Trust received the Notice?

In most cases, the Clerk (or their authorized representative) is the first person to receive a written tort claim. In those cases, OMAG only needs one date on the form. Sometimes a claim is received by someone else at the City and is given to the Clerk's office later. For legal reasons, OMAG needs to know the date that the claim was first received by *anyone* at the City as well as the date the claim was received by the Clerk's office.

If OMAG Recommends Denial on a Tort Claim, should I (or do I have to) put it on the next Agenda for a formal denial?

No. Tort claims are denied by statute 90 days after they are filed. You have no obligation to take any formal action to deny a tort claim, and **OMAG does not ask that our members formally deny tort claims**. OMAG sends denial recommendations solely to communicate our conclusions to the Member and claimant. If your City/Town/Trust wants to formally deny a tort claim, please contact the OMAG adjuster assigned to the tort claim to discuss the mandatory, statutory process that must be followed.

Why does the Notice list Property and Other Damages separately?

Because the Tort Claims Act distinguishes between claims for property damage from claims for all other (non-property) damages, the Oklahoma Supreme Court has suggested that tort claim forms provided by public entities to claimants should contain separate sections for claimants to indicate if they are seeking property damages, other (non-property) damages or both.

Why are Claimants asked to provide their Social Security Number, Date of Birth and/or Gender?

OMAG is subject to certain legal obligations related to IRS reporting, satisfying delinquent child support obligations, and complying with the Medicare Secondary Payer Act. This information is needed to comply with those legal obligations.