

**OKLAHOMA COUNTY JUVENILE BUREAU
POLICY AND PROCEDURE MANUAL**

CHAPTER THREE: PERSONNEL

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POLICY 3.25 Loss of Personal Property and the Oklahoma Tort Claims Act

I. POLICY:

The Oklahoma Tort Claims Act declares that the State of Oklahoma adopts the doctrine of sovereign immunity. The state, its political subdivisions (e.g., Oklahoma County), and all of their employees acting within the scope of their employment, whether performing governmental or proprietary functions, shall be immune from liability for torts. The state, only to the extent and in the manner provided in the act, waives its immunity and that of its political subdivisions. In so waiving immunity, it is not the intent of the state to waive any rights under the Eleventh Amendment to the United States Constitution (**51 O.S. 151-170**). Any person with a claim of personal loss against Oklahoma County, or any agencies or departments therein, due to accident or occurrence, must file a written claim with County Clerk of Oklahoma County within one year after the loss. **(2-7066) (2-7069)**

II. DEFINITIONS:

- A. Tort: a legal wrong, independent of contract, involving violation of a duty imposed by general law or otherwise, resulting in a loss to any person, association or corporation as the proximate result of an act or omission of a political subdivision or the state or an employee acting within the scope of employment which entitles the injured party to compensation.
- B. Tort Claims Act: a federal or state act which, under certain conditions, waives governmental immunity and allows lawsuits by people who claim they have been harmed by torts, including negligence, by government agencies or their employees. Before the enactment of tort claims acts, government bodies could not be sued without the specific permission of the government.
- C. Oklahoma Tort Claims Act: an act declaring sovereignty and limiting liability of the State of Oklahoma and its political subdivisions, including the County of Oklahoma.

III. PROCEDURES:

- A. Personal Loss
 - 1. Any person with a claim due to accident or occurrence may file written claim within one (1) year to the County Clerk of Oklahoma County.
 - 2. When the claim is for death resulting from the accident or occurrence, the personal representative may present notice within one year after the loss.

B. Written Notice of Claims

1. Written claims for accidents or occurrences taking place in Oklahoma County must be sent to **Board of County Commissioners, Attn: County Clerk, 320 Robert S. Kerr, Oklahoma City, OK 73102.**
2. Written notice of the claim must state the following information:
 - a. The date, time, and place of the accident or occurrence;
 - b. The circumstances of the loss;
 - c. The compensation sought for the loss; and
 - d. The name, address, and telephone number of the claimant or the authorized agent of the claimant.
3. Failure to supply the required information will not invalidate the claim, unless the claimant refuses to furnish it when requested by an authorized representative of the County of Oklahoma.

Approved: James L. Saffle 1/6/15
James L. Saffle, Director Date