

Summary of Proposed Amendment to 802 KAR 2:010. Negligence Claims Before the Board of Claims

- Amends 802 KAR 2:010, which governs the Board of Claims.
- Permits claimants to file through the new online portal.
- Permits, instead of requires, the Office of Claims and Appeals to secure court reporters for final hearings.
- Standardizes deadlines for filing responses to motions by reducing them from thirty (30) days to twenty (20) days.
- Adopts the Kentucky Rules of Civil Procedure and Rules of Evidence for proceedings before the Board unless otherwise stated in KRS Chapter 49, the Board's regulations, or an order of the Board or hearing officer.
- Prohibits introduction of hearsay evidence except under certain circumstances.
- Incorporates by reference the Claim Form, Agency Answer Form, and Subpoena Form.

**OFFICE OF CLAIMS AND APPEALS
BOARD OF CLAIMS
500 Mero Street, 2SC1, Frankfort, Kentucky, 40601, 502-782-8255**

CLAIM FORM GENERAL INSTRUCTIONS

You must use ink or type the information. Although no filing fee is charged, the signed claim form with all evidence attached is required. If an attorney is involved, the Claimant and the attorney must sign the claim form. KRS 49.180 states no claim shall be brought before the Board unless the total amount of damages claimed is \$250 or greater. The maximum award shall not exceed a single individual award of \$250,000 and multiple claims shall not exceed a total award of \$400,000 for a single act of negligence.

Section I. Information about the claimant only.

Section II Name of the State agency involved.

Section III. The name of the person that referred you to the Board of Claims.

Section IV. Date and time of the incident. Must generally be filed within one year.

Section V. Provide incident information. **Be specific.**

Section VI. Give a complete incident description.

Section VII Describe completely how the state agency or employee was at fault.

Section VIII. State the exact dollar amount of your claim and include itemized receipt(s), OR at least one (1) repair estimate for damages.

Section IX. Complete this section if a motor vehicle was involved, with a copy of the police report, if any. **You must submit verification of the amount of your deductibles on your car insurance policy, i.e., either insurance declaration page or insurance card if the deductibles are listed on it.**

Personal Injuries must be supported with proper documentation, insurance policy numbers, effective dates, etc. Other damage must be supported with proper insurance information, policy number, effective dates, and deductible(s).

The Board of Claims accepts claim forms by mail, fax, email, or via online portal.

No awards can be granted for the following:

- Claims under \$250.
- Claims for pain and suffering.
- Collateral, dependent or subrogation claims.
- Claims where the Board has no jurisdiction (i.e., areas or events where legal responsibility lies with contracted entities or non-state agencies).

YOU MUST SIGN as the claimant and you MUST provide your Social Security or Federal ID before your claim can be investigated or submitted for a hearing.

VI. Describe the incident and the damage done to you or your property.

VII. In what way do you believe the state agency or employee was at fault? What more could the state have done?

VIII. State the specific dollar amount of your claim. \$ _____

Submit bills, receipts and/or **ONE** repair estimate as proof of the cost of damages sustained.

Pursuant to KRS 49.130, this amount will be amended according to the amount you have a right to receive from your insurance, regardless of whether you file a claim with your insurance company.

IX. If motor vehicles were involved, please complete the following:

STATE VEHICLE:

Tag number, if known _____

Driver, if known _____

CLAIMANT'S VEHICLE: (This claim must be filed and signed by the registered owner)

In whose name is the vehicle registered? _____

Vehicle year, make and model: _____

Name and address of driver and passengers:

Name of law enforcement authority or officer who investigated the incident: _____

Please submit a copy of police report, incident report, or Uniform Traffic Report if possible.

Pursuant to KRS 49.130, the Board can only award what you cannot recover through insurance or any other source. The Board **must reduce** any award by the amount you have a right to receive from any insurance coverage, even if no claim was filed with your insurance company. In order to review your claim as submitted, provide all information below that relates to the damages you incurred.

VEHICLE INSURANCE

**You must submit your insurance declaration page
OR insurance card if the deductibles are listed on the card**

1) Insurance Agent and Address: _____

Telephone #: _____

2) Insurance Company: _____

Policy Number: _____

Effective Dates: _____

3) Collision Coverage in Effect: ()Yes ()No Amount of Deductible \$ _____

4) Comprehensive Coverage in Effect: ()Yes ()No Amount of Deductible \$ _____

5) Liability Coverage only: ()Yes ()No

PERSONAL INJURY INSURANCE

(complete this section only if you are making a claim for personal injury)

6) Hospitalization Insurance in Effect: ()Yes () No Dental Insurance in Effect: () Yes () No

Name of Insurance Company: _____

Policy Number: _____ Effective Dates: _____

Amount of Deductible: _____ Has this deductible been met for the year? ()Yes ()No

7) Compensation Insurance Coverage in Effect: ()Yes ()No

Name of Company: _____

Policy Number: _____ Effective Dates: _____

Deductible: _____ Has this deductible been met yet for this year? ()Yes ()No

8) If you have **any other insurance coverage** that would entitle you to recover the damages, which are the subject of your claim, please list what type and the amount of the deductible if any.

OTHER INSURANCE

9) Homeowner _____ Dwelling _____ or Mobile Home Coverage _____

Name of Company: _____

Policy Number: _____ Effective Dates: _____

Deductible: _____ Has this deductible been met yet this year? ()Yes ()No

10) If you have any other insurance coverage that would entitle you to recover the damages, which are the subject of your claim, please list what type and the amount of the deductible if any.

YOU MUST SIGN : Claimant’s Signature: _____

Address: _____

Daytime Telephone: _____ (work) Telephone: _____

Mobile Telephone: _____

Date: _____

WE MUST HAVE: Social Security Number or Federal ID Number: _____

Attorney’s Name: _____

Attorney’s Signature: _____

(if represented by Counsel)

Address: _____

Telephone: _____ Date: _____

Federal ID Number: _____

Pursuant to KRS 49.120, claims generally must be presented to the Board of Claims within one (1) year from the date of the incident. There are exceptions for personal injury and for medical malpractice claims.

INSTRUCTIONS TO AGENCY: Send a copy of this answer within 30 days to the claimant and a copy to the Board of Claims. KRS 49.090 requires agency answers to be factual and specific.

Claim No: _____

Name of Claimant: _____

Name of State Agency: _____

Date of Answer: _____

Agency's Answer To Claimant and Board of Claims

_____ 1. This agency has investigated this claim, and I recommend that the Board order that \$_____ be paid to the claimant. The claimant has stated the pertinent facts correctly. The damage claimed was caused by negligence on the part of this agency or its employee(s).

_____ 2. This agency has investigated this claim. I recommend that the claim not be paid and that the Board dismiss the claim. The facts of the incident are substantially as stated by the claimant, but the damage that occurred was not caused by negligence on the part of the State, this agency, or any State employee. Instead, our investigation shows that the damage was caused by:

_____ 3. This agency has investigated this claim. I recommend that the claim not be paid and that the Board dismiss the claim. Our investigation finds that whatever damage the claimant may have sustained in the incident was due to negligence on the part of the claimant. The negligence on the claimant's part was:

_____ 4. This agency has investigated this claim. I recommend that the claim not be paid and that the Board dismiss the claim. Our agency's investigation shows that the facts are substantially not as stated by the claimant but, instead, are as follows:

_____ 5. This agency has made every reasonable effort to investigate this claim but we are unable to do so. Here are the efforts we have made, and here is what prevents us from finding out about this claim:

_____ 6. Other (Be factual):

I certify that the original of the foregoing Agency's Answer To Claimant and Board of Claims has been filed with the Board of Claims, 500 Mero St., 2SC1, Frankfort, KY 40601 and a copy hereof was served this _____ day of _____, 20 _____ on the following:

Signature: _____

Title: _____

Agency: _____

Address: _____

Attach Additional pages if needed.

Commonwealth of Kentucky
Public Protection Cabinet
Office of Claims & Appeals
kycc.ky.gov



CIVIL
 SUBPOENA
 SUBPOENA DUCES TECUM

Case No. _____
Board of Claims

VS

CLAIMANT

RESPONDENT

Pursuant to KRS 49.020(7)(b), and the authority granted therein:

Name _____
Address _____

You are to appear at: _____

on the _____ day of _____, 2____ at _____ a.m. OR p.m. Eastern Central Time

- To testify on behalf of _____
- To produce _____
- To give depositions

You are commanded to produce and permit inspection and copying of the following documents or objects (or to permit inspection of premises): _____

on the _____ day of _____, 2____ at _____ a.m. OR p.m. Eastern Central Time
at the following address: _____

_____ Issuing Officer
By: _____

_____ Name of Requesting Attorney/Pro-Se Party
_____ Address
Phone # _____
E-mail: _____

PROOF OF SERVICE

This subpoena was served by delivery of a true copy to: _____	
This _____ day of _____, 2____	By: _____
	_____ Title

Print Form

Reset Form