

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 215

HOUSE BILL 2753

AN ACT

AMENDING SECTION 12-821.01, ARIZONA REVISED STATUTES; RELATING TO CLAIMS
AGAINST PUBLIC ENTITIES AND EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-821.01, Arizona Revised Statutes, is amended to
3 read:

4 12-821.01. Authorization of claim against public entity or
5 public employee

6 A. Persons who have claims against a public entity or a public
7 employee shall file claims with the person or persons authorized to accept
8 service for the public entity or public employee as set forth in the Arizona
9 rules of civil procedure within one hundred eighty days after the cause of
10 action accrues. The claim shall contain facts sufficient to permit the
11 public entity or public employee to understand the basis ~~upon~~ ON which
12 liability is claimed. The claim shall also contain a specific amount for
13 which the claim can be settled and the facts supporting that amount. Any
14 claim ~~which~~ THAT is not filed within one hundred eighty days after the cause
15 of action accrues is barred and no action may be maintained thereon.

16 B. For THE purposes of this section, a cause of action accrues when
17 the damaged party realizes he or she has been damaged and knows or reasonably
18 should know the cause, source, act, event, instrumentality or condition ~~which~~
19 THAT caused or contributed to the damage.

20 C. Notwithstanding subsection A, any claim ~~which~~ THAT must be
21 submitted to a binding or nonbinding dispute resolution process or an
22 administrative claims process or review process pursuant to a statute,
23 ordinance, resolution, administrative or governmental rule or regulation, or
24 contractual term shall not accrue for the purposes of this section until all
25 such procedures, processes or remedies have been exhausted. The time in
26 which to give notice of a potential claim and to sue on the claim shall run
27 from the date on which a final decision or notice of disposition is issued in
28 an alternative dispute resolution procedure, administrative claim PROCESS or
29 review process. This ~~provision shall~~ SUBSECTION DOES not be construed to
30 prevent the parties to any contract from agreeing to extend the time for
31 filing such notice of claim.

32 D. Notwithstanding subsection A, a minor or an insane or incompetent
33 person may file a claim within one hundred eighty days after the disability
34 ceases.

35 E. A claim against a public entity or public employee filed pursuant
36 to this section is deemed denied sixty days after the filing of the claim
37 unless the claimant is advised of the denial in writing before the expiration
38 of sixty days.

39 F. This section ~~shall apply~~ APPLIES to all causes of action ~~which~~ THAT
40 accrue on or after the ~~effective date of this section~~ JULY 17, 1994.

41 G. IF A GENUINE ISSUE OF MATERIAL FACT EXISTS AS TO WHETHER THE
42 REQUIREMENTS OF THIS SECTION HAVE BEEN COMPLIED WITH, THE ISSUE SHALL BE
43 RESOLVED BEFORE A TRIAL ON THE MERITS AND AT THE EARLIEST POSSIBLE TIME.

APPROVED BY ~~THE~~ GOVERNOR APRIL 5, 2012.

Passed the House March 5, 2012

Passed the Senate April 3, 2012

by the following vote: 57 Ayes,

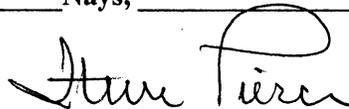
by the following vote: 29 Ayes,

1 Nays, 2 Not Voting

0 Nays, 1 Not Voting



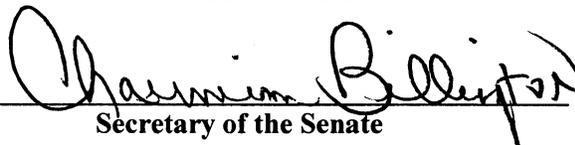
Speaker of the House



President of the Senate



Chief Clerk of the House



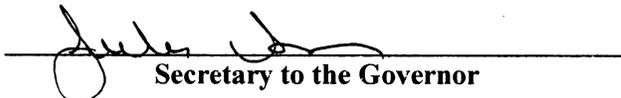
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

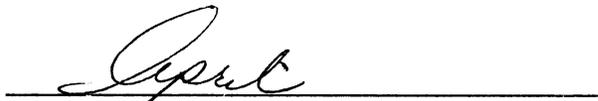
4 day of April, 2012

at 11:25 o'clock A M.

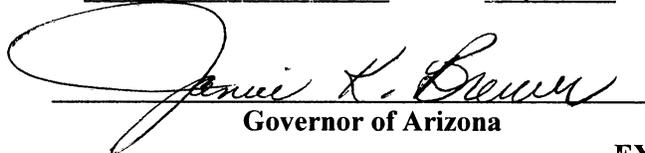


Secretary to the Governor

Approved this 5th day of



at 10:06 o'clock A M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 5th day of April, 2012

at 4:20 o'clock P M.



Secretary of State

H.B. 2753