

Introduced by Senator De LeónFebruary 26, 2015

An act to amend Section 911.6 of the Government Code, relating to government liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as introduced, De León. Claims against public entities.

Existing law requires a claim for personal injury against a public entity, which includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state, or against an employee of a public entity, to be presented not later than 6 months after accrual of the cause of action. Existing law provides that if a claim is not filed within the 6-month period, an application for leave to present the claim within a reasonable time not to exceed one year after the accrual of the cause of action may be filed with the public entity in accordance with specified provisions. Existing law requires the board, the governing body of the local public entity, the California Victim Compensation and Government Claims Board, the Judicial Council, or the Trustees of the California State University, as appropriate, to grant or deny the application for leave to present the claim within 45 days after it is presented to the board.

This bill would require the board, the governing body of the local public entity, the California Victim Compensation and Government Claims Board, the Judicial Council, or the Trustees of the California State University, as appropriate, to grant or deny the application for leave to present the claim within 45 days after it is received by the board.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 911.6 of the Government Code is
2 amended to read:
3 911.6. (a) The board shall grant or deny the application within
4 45 days after it is ~~presented to~~ *received* by the board. The claimant
5 and the board may extend the period within which the board is
6 required to act on the application by written agreement made before
7 the expiration of the period.
8 (b) The board shall grant the application ~~where~~ *if* one or more
9 of the following is applicable:
10 (1) The failure to present the claim was through mistake,
11 inadvertence, surprise, or excusable neglect and the public entity
12 was not prejudiced in its defense of the claim by the failure to
13 present the claim within the time specified in Section 911.2.
14 (2) The person who sustained the alleged injury, damage, or
15 loss was a minor during all of the time specified in Section 911.2
16 for the presentation of the claim.
17 (3) The person who sustained the alleged injury, damage, or
18 loss was physically or mentally incapacitated during all of the time
19 specified in Section 911.2 for the presentation of the claim and by
20 reason of ~~such~~ *that* disability failed to present a claim during ~~such~~
21 *that* time.
22 (4) The person who sustained the alleged injury, damage, or
23 loss died before the expiration of the time specified in Section
24 911.2 for the presentation of the claim.
25 (c) If the board fails or refuses to act on an application within
26 the time prescribed by this section, the application shall be deemed
27 to have been denied on the 45th day or, if the period within which
28 the board is required to act is extended by agreement pursuant to
29 this section, the last day of the period specified in the agreement.

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