

State of Rhode Island
Department of Administration

OFFICE OF ACCOUNTS AND CONTROL

SECTION A-49

POLICY/PROCEDURE NUMBER

SUBSECTION

EFFECTIVE DATE / PAGE NUMBER
January 1, 1996 / 1 of 4

**POLICY / PROCEDURE
PAYMENT OF CLAIMS FOR
PROPERTY LOSS/DAMAGE**

AMENDMENT / REVISION
November 1, 2013

Section A: Eligible Occurrences:

The State may reimburse a property owner for loss or damage sustained to personal or real property in the following instances:

1. The loss or damage sustained by the property owner results from an act, committed or omitted, by a state employee in the performance of their official duties (including the operation of any equipment that causes the loss or damage).
2. The loss or damage is sustained by the property owner during the lawful operation by the property owner of a motor vehicle on a state-owned highway, road, bridge, etc.
3. The loss or damage is sustained by the property owner during the conduct of normal business or recreation by the property owner while on state-owned property. The loss of personal property shall have occurred while this property is under the care, custody, or control of a state employee, or a duly authorized agent.
4. The loss or damage is sustained by the property owner while the property owner is providing or assisting in the provision of authorized program services to state patients, wards, or inmates (employees, foster parents, volunteers).
5. The claim for loss or damage is presented within two (2) years of occurrence or discovery.

PLEASE NOTE: The state's auto liability insurer will investigate and adjudicate all claims related to loss or damage resulting from operation of state-owned motor vehicles and off road equipment licensed for on road use. See related Section C.2.1.

Section B: Policy Application:

1. The policy shall apply to reimbursement claims presented by both state employees and non-state employees as owners of property lost /or damaged.
2. The policy shall not apply in the following instances:
 - 2.1. The claim does not involve loss or damage to real or personal property.

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2.2. When the claim has been adjudicated by a state or federal court and a court order to pay the claim is issued.

2.3. When a specific act or resolve of the General Assembly authorizes payment of a claim(s).

2.4 When a claim is related to a dispute involving salary or wages and not to the loss or damage of real or personal property arising out of a union contract, grievance or arbitration process settled through negotiation before an order to pay is issued by the hearing officer/arbitrator.

2.5 When a claim is related to a dispute involving salary or wages and not to the loss or damage of real or personal property, has been adjudicated through a union contract grievance and/or arbitration process, and an order to pay is issued by the hearing officer/arbitrator.

Section C: Policy Limitations:

1. The property owner may be reimbursed for claims for loss or damage to his real or personal property as follows:

1.1 Motor Vehicle: Up to \$100 for loss or damage to person or property **by reason of the negligent operation by any officer or employee of a state-owned (or leased) motor vehicle or other motorized equipment** (Section 35-6-40 of the General Laws). It states that a payment of up to \$100 can be authorized by a department director. **In addition, the payment must be approved by the Attorney General and the Director of Administration.** Once approved by all required, the department director having charge of the claim may authorize the Office of Accounts and Control to make payment for damages up to \$100. Any claim in excess of \$100 shall be submitted to the Joint Committee on Accounts and Claims for adjudication and settlement.

a. Definition of "motorized equipment": Any item of equipment that is operated or propelled by an internal combustion engine, i.e., motorized leaf blower, motorized lawn mower (riding or push type), automobile, backhoe equipment, truck, earth grader, etc.

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1.2 Pothole Damage: Up to \$300 for loss or damage to a person or property caused by a pothole on any state highway, causeway or bridge (Section 24-8-35 of the General Laws).

- a. All claims shall be made within 7 days of the date the damage was sustained.
- b. All claims shall be submitted in a manner prescribed by the Director of Transportation.
- c. The Director of Transportation may authorize the Office of Accounts and Control to make payment for damages.
- d. The Joint Committee on Accounts and Claims may delegate to the Director of Transportation its authority to adjudicate and settle a claim in excess of \$300.

1.3 \$500 Threshold: Up to \$500 for loss or damage to a person or property by causes other than those listed above.

1.4 The Joint Committee on Accounts and Claims: Any claim in excess of the above amounts shall be submitted to the Joint Committee on Accounts and Claim. The committee may reimburse the owner for claims for loss or damage to his personal property for claims in excess of the above amounts in accordance with Chapter 22-7 of the General Laws of Rhode Island. The Joint Committee may hear appeals of claims previously denied by a Department Director under these policies and procedures.

2. The payment for damage shall be limited to an amount that is reasonable and necessary to restore the property to its normal use or its fair market value. The payment for loss shall be limited to the item's original cost.
3. All claims for bodily injury, regardless of the amount, shall be referred to the Joint Committee on Accounts and Claims for adjudication.

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Section D: Procedures for Payment of Claims by the Office of Accounts and Control regarding eligible payments (see section C):

1. The director of the department or agency in which the employee who caused or sustained the loss or damage is employed shall determine that the claim is proper and provide written authorization to pay.
2. The claim for reimbursement must be accompanied by a completed and signed Statement and Claim Form as well as any related incident reports.
3. The claim for reimbursement must be accompanied by either proof of payment or estimate of repair or replacement (for the repair of damages or replacement of loss). Proof of payment is the front and back of a canceled check, a credit card receipt, or a vendor's invoice billed to the claimant and marked "Paid." The claim shall take into account any other payments pending or received for the same incident.
4. The claim for reimbursement must be accompanied by a signed affidavit/release from liability signed by the claimant.
5. The claim for reimbursement must include the RIFANS account(s) to which the department expenditure is to be posted.

The Statement and Claim Form and Affidavit/Release may be found on the Controller's website.