§3655. Personal injury actions; limitations; damages; notice

A person who receives any bodily injury or suffers damage in the person's property through any defect or want of repair or sufficient railing in any highway, town way, causeway or bridge may recover for the same in a civil action, to be commenced within one year from the date of receiving such injury or suffering damage, of the county or town obliged by law to repair the same, if the commissioners of such county or the municipal officers or road commissioners of such town or any person authorized by any commissioner of such county or any municipal officer or road commissioner of such town to act as a substitute for either of them had 24 hours' actual notice of the defect or want of repair, but not exceeding $6,000 in case of a town. If the sufferer had notice of the condition of such way previous to the time of the injury, the sufferer cannot recover of a town unless the sufferer has previously notified one of the municipal officers of the defective condition of such way. Any person who sustains injury or damage or some person in the person's behalf shall, within 180 days thereafter, notify one of the county commissioners of such county or of the municipal officers of such town by letter or otherwise, in writing, setting forth the person's claim for damages and specifying the nature of the person's injuries and the nature and location of the defect that caused such injury. If the life of any person is lost through such deficiency, the person's executors or administrators may recover of such county or town liable to keep the same in repair, in a civil action, brought for the benefit of the estate of the deceased, such sum as the jury may determine reasonable as damages, if the parties liable had said notice of the deficiency that caused the loss of life. In any action against a town for damages for loss of life permitted under this section, the claim for and award of damages, including costs, against a town and its employees must be disposed of as provided under Title 18-C, section 2-807, but may not exceed $25,000 for each claim and $300,000 for any and all claims arising out of a single occurrence. No damages for the loss of comfort, society and companionship of the deceased may be allowed in an action under this section. At the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged when it would materially aid in a clear understanding of the case. [PL 2017, c. 402, Pt. C, §74 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 1977, c. 2, §§3,5 (AMD). PL 1977, c. 578, §7 (AMD). PL 1977, c. 591, §§4-6 (AMD). PL 1979, c. 68, §§3,5 (AMD). PL 1979, c. 663, §138 (AMD). PL 2017, c. 402, Pt. C, §74 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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