

Process for filing pothole claims:

State law specifies that the maximum reimbursement for damage done to a vehicle as the result of a pothole in a municipal road is \$300.00. (Please see below for the applicable state law.) A police report must be filed with the Middletown Police Department (123 Valley Road) within 7 days of the incident. Once the claimant has a copy of the police report and also has received a written estimate of the damage, he or she may submit their claim to the Finance Department at Town Hall, 350 East Main Road.

**TITLE 24, Highways, CHAPTER 24-5, Maintenance of Town Highways, SECTION 24-5-13**

**§ 24-5-13 Liability of cities and towns for injuries from defective roads.** – (a) The cities and towns shall also be liable to all persons who may in any way suffer injury to their persons or property by reason of any neglect, to be recovered in a civil action except as provided in subsection (b).

(b) If any person shall incur damage to his or her motor vehicle by reason of a pothole on any municipal highway, causeway, street or bridge which damage would not have occurred without the existence of the pothole, he or she may recover from the municipality the amount of damages sustained up to and not more than the sum of three hundred dollars (\$300). Provided, however, that the municipality had reasonable notice of the pothole, or may have had notice thereof by the exercise of proper care and diligence on its part, and a reasonable opportunity to repair the pothole. All claims shall be made within a period of seven (7) days from the date on which the damage was sustained by filing a written report in a manner prescribed by the municipality. In no instance, however, shall any claim for damage so caused to a motor vehicle registered in a foreign state be considered unless that state has a similar statute affording similar protection to persons owning motor vehicles registered in this state.

History of Section.

(G.L. 1896, ch. 72, § 12; G.L. 1909, ch. 83, § 12; G.L. 1923, ch. 96, § 12; G.L. 1938, ch. 73, § 12; G.L. 1956, § 24-5-13; P.L. 1994, ch. 104, § 1.)