

DAVID Y. IGE
GOVERNOR



CURT T. OTAGURO
COMPTROLLER
AUDREY HIDANO
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

July 23, 2021

COMPTROLLER'S MEMORANDUM NO. 2021-11

TO: All Department Heads and Agencies

FROM: Curt T. Otaguro, Comptroller

SUBJECT: Tort Claims Against the State

This Memorandum updates and supersedes Comptroller's Memorandum No.88-34. The purpose of this Memorandum is to reaffirm that the Comptroller of the Department of Accounting and General Services is authorized to resolve property damage or loss and personal injury claims against the State up to \$25,000, pursuant to section 41D-3, Hawaii Revised Statutes (HRS) ("Statute").

Legal References

Chapter 41D-3, HRS permits the Attorney General to refer claims arising under section 662-11, HRS, to the Comptroller for informal resolution.

Discussion

Many claims filed against the State involve tort claims for amounts less than \$25,000. The utilization of the Risk Management Program's staff to handle these claims optimizes the State's resources and maximizes cost mitigation efforts.

Procedure

All tort claims against the State filed with your department or agency shall be forwarded to the Department of Accounting and General Services, Risk Management Office ("RMO"). The claimant will receive a confirmation of receipt of their claim from the RMO and will be informed that an investigation will be conducted. All claims will be investigated and analyzed by the Risk Management Staff to determine if any liability rests with the State. Your full cooperation and participation in this investigation is requested. At the conclusion of the investigation and evaluation, the Risk Management Staff will send a letter to the Claimant denying the claim or recommending a resolution of the claim.

The following link can be found on the Risk Management website for a claimant to obtain and complete the tort claim form: <https://ags.hawaii.gov/wp-content/uploads/2012/09/RMTC-001-20160909.pdf>.

The claim form can be emailed or mailed back to the RMO at the addresses provided on the Risk Management website.

If you have any questions, please feel free to contact the Risk Management Staff at 586-0547 or dagsrmo@hawaii.gov. Thank you in advance for your cooperation and assistance.