

Important Information for Filing Pothole Damage Claims

Please be advised that the Town of Collierville is not automatically responsible for damages because of hitting a pothole. Rather those claims are governed by Tennessee State law, particularly The Governmental Tort Claims Act, T.C.A. 29-20-101, et seq. The provision of that statute that is applicable here is section 29-20-203. That section reads as follows:

§ 29-20-203. Highways, streets and sidewalks; unsafe conditions

1. (a) Immunity from suit of a government entity is removed for any injury caused by a defective, unsafe, or dangerous condition of any street, alley, sidewalk, highway, owned and controlled by such government entity. “Street” or “highway” includes traffic control devices thereon.
2. (b) This section shall not apply unless constructive and/or actual notice to the governmental entity of such condition be alleged and proved in addition to the procedural notice required.

What this means is that for the Town to be responsible to pay any damages for pothole claims, the Town must be shown to have had notice of the pothole prior to it causing damage to your vehicle. The Town also must have had a reasonable time in which to repair the pothole after receiving notice.

In investigating your claim, the Risk Management and Safety Program Coordinator will send inquiries to the Town’s Public Works Streets and Drainage division and the Town’s online customer service center (Mayor’s Action Center). If the Town hasn’t had prior notice of the pothole or if the Town did have prior notice and repaired the pothole within a reasonable amount of time, under the law cited above, the Town will not pay your claim.

To file a claim with the Town of Collierville, please contact Jennifer Benjamin at 901-457-2268 or jbenjamin@colliervilletn.gov.