

FILING OF LIBRARIES DESIGNATED AGENT FOR CLAIMS FILED WITH NY SECRETARY OF STATE

Questions asked of NLS Attorney by NLS Director with Responses

1. Can you briefly define what in this case is meant by a "notice of claim"?

*Notice of claim is a notice required by the provisions of "50(e)" of the general municipal law to be filed within 90 days of the occurrence which constitutes the basis for a tort in NYS, and for which the claimant must within 1 year thereafter commence a legal action to recover monetary damages. There are certain exceptions to the aforesaid time periods having to do primarily with the extension of the time period for filing a notice of claim on behalf of children.*

2. Does this only apply to public libraries? What about Association Libraries? Public Library Systems? Note NLS frequently gets named in suits against member libraries.

*A notice of claim need only be filed against municipalities, school districts and public libraries. Free association libraries are considered not-for-profit corporations or associations, and therefore, a claimant is not required to file a notice of claim within 90 days of the occurrence giving rise to the claim. Public library systems may fall within the notice of claim requirements if they fit within the definition of a "district corporation". Legal counsel should be consulted by such public library systems.*

3. All municipal and government entities covered by this amendment should file the form, correct? YES

4. They need to only file once, correct?

*Yes. However, at such time as the designated agent of the library changes, a new designation form must then be filed with the Secretary of State.*

5. There is no cost to file, correct? YES

6. Each time someone files a notice of claim with the Office of the Secretary of State, they must pay a filing fee of \$250, correct?

*Yes. However, a claimant or his/her attorney may file the notice of claim directly with the public library.*

7. Of this amount \$125 will be sent by the Office of the Secretary of State to the municipal/government entity which the claim is against, correct? YES

8. The purpose of the form is to designate the Library's "Agent" for receipt of all notices of claims filed against that library with the office of the Secretary of State, correct? YES

9. Who would you advise that agent to be? Library Director? Library Attorney? Other?

*In most instances the library's director should be the designated agent.*