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CITY OF GARY

MAYOR

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RE: Pothole Claim Against the City of Gary

Dear Constituent:

The Indiana Tort Claims Act, Indiana Code 34-13-3-3 provides that municipalities in Indiana have **no liability** for vehicle damage caused by potholes. Specifically, The Indiana Tort Claims Act at IC 34-13-3-3 states:

Sec. 3. (a) A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

(3) The temporary condition of a public thoroughfare or extreme sport area that results from the weather.

Under the Indiana Tort Claims Act, a pothole is a temporary road condition which results from weather. As a result, the City of Gary cannot pay for damage to vehicles caused by potholes.

Sincerely,

City of Gary Law Department