

CALIFORNIA LAW REVISION COMMISSION

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Statutory Cross-References to "Tort Claims Act"

Request for Public Comment

The California Law Revision Commission seeks public comment on its tentative recommendation relating to statutes that refer to the "Tort Claims Act."

Division 3.6 (commencing with Section 810) of Title 1 of the Government Code is commonly referred to as the California "Tort Claims Act." That is a misnomer, because Division 3.6 is not limited to tort claims. It also encompasses certain types of contract claims against public entities and public employees.

To prevent confusion and accurately describe the statutory content, the California Supreme Court recently adopted the practice of referring to Division 3.6 as the "Government Claims Act," instead of the "Tort Claims Act."

The Law Revision Commission tentatively recommends that several code provisions be revised to conform to this practice. In particular, the Commission recommends that the short title "Government Claims Act" be officially adopted, and misleading statutory references to the "Tort Claims Act" be eliminated.

The tentative recommendation is available from the California Law Revision Commission, 4000 Middlefield Road, Room D-2, Palo Alto, CA 94303-4739. The tentative recommendation is also available on the Commission's website at <www.clrc.ca.gov/T103.html>.

The Commission often substantially revises its recommendations as a result of public comment. To receive timely consideration, comments should be submitted by **May 15, 2011**.
