

CHAPTER 40-42 CLAIMS FOR INJURIES ON STREETS

40-42-01. Claim against municipality for damages arising from defective streets, sidewalks, or bridges must be filed. Repealed by S.L. 1977, ch. 303, § 18.

40-42-02. Filing of claim and rejection thereof conditions precedent to bringing action against municipality. Repealed by S.L. 1977, ch. 303, § 18.

40-42-03. Time limitation on bringing of action. Repealed by S.L. 1977, ch. 303, § 18.

40-42-04. Proof on trial to conform to claim filed with municipality. Upon the trial of an action for the recovery of damages by reason of an injury from the defective, unsafe, dangerous, or obstructed condition of any street, crosswalk, sidewalk, culvert, or bridge, the claimant shall not be permitted to prove any time, place, cause, manner, or extent of the injury complained of differing from that specified in the claim filed with the municipality, nor to recover damages in excess of the amount demanded in such claim.

40-42-05. Nonliability of municipality for damages caused by snow and ice on sidewalks - Exception - Actual knowledge required. All municipalities in this state shall be exempt from all liability to any person for damages for injuries suffered or sustained by reason of the accumulation of snow and ice upon the sidewalks within the municipality unless actual knowledge of the defective, unsafe, or dangerous condition of the sidewalk or crosswalk shall have been possessed by the executive officer, governing body, police officer, or marshal of the municipality at least forty-eight hours previous to the damage or injury. Actual knowledge shall not be presumed from the fact of the existence of the condition, but it shall be proved as an independent fact. No municipality in this state shall be liable in damages for any injury occasioned through the mere slippery condition of the sidewalk or crosswalk due to the presence of frost or loose snow thereon.