

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 507

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to insurance; amending 74 O.S. 2011,
8 Section 85.58B, which relates to risk management
9 insurance coverage; adding school districts as entity
10 eligible for certain coverage provided by Risk
11 Management Administrator; updating statutory
12 references; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.58B, is
15 amended to read as follows:

16 Section 85.58B. A. The Risk Management Administrator, pursuant
17 to the provisions of this section and Section ~~85.34~~ 85.58A of this
18 title, may obtain or provide insurance coverage for any vehicle,
19 vessel or aircraft used for or in ~~fire-fighting~~ firefighting or
20 services provided by the districts, departments and services
21 specified in subsection D of this section and may obtain or provide
22 indemnity coverage for any board member, official, employee or
23 volunteer of any entity specified in subsection D of this section
24 for any errors and omissions or liability risks arising from the
25 performance of their official duties pursuant to law.

1 B. The Risk Management Administrator, pursuant to the
2 provisions of this section and Section ~~85.34~~ 85.58A of this title,
3 may obtain or provide insurance coverage for any building used for
4 or in ~~fire fighting~~ firefighting or services specified in subsection
5 D of this section. If a fire department, district or service
6 specified in subsection D of this section is housed in a building
7 with any department or unit of local governmental entities, the Risk
8 Management Administrator may also obtain or provide building or
9 structure insurance coverage for such department or unit in such
10 building.

11 C. The Risk Management Administrator is authorized to determine
12 eligibility criteria for participation in the Risk Management
13 Program by such districts, departments and services or for such
14 member, officer, employee or volunteer. In addition, the Risk
15 Management Administrator is authorized to establish equipment and
16 safety standards for the vehicles, vessels, aircraft or buildings to
17 be covered by the Risk Management Program.

18 D. The Risk Management Administrator may obtain or provide the
19 insurance coverage authorized by subsection A of this section for:

20 1. Fire protection districts organized and operated pursuant to
21 the provisions of Sections 901.1 through 901.29 of Title 19 of the
22 Oklahoma Statutes;

23 2. Volunteer or full-time fire departments established pursuant
24 to Section 592 of Title 18 of the Oklahoma Statutes;

1 3. Municipal fire departments organized and operated pursuant
2 to the provisions of Sections 29-101 through 29-108, and Sections
3 29-201 through ~~29-205~~ 29-204 of Title 11 of the Oklahoma Statutes;

4 4. Fire protection services established pursuant to the
5 provisions of Section 351 of Title 19 of the Oklahoma Statutes; ~~and~~

6 5. Rural fire coordinators employed by substate planning
7 districts acting pursuant to rural fire defense programs; and

8 6. School districts, as defined in Section 1-108 of Title 70 of
9 the Oklahoma Statutes and operated pursuant to Section 5-101 of Title
10 70 of the Oklahoma Statutes.

11 E. The governing authorities of such fire departments, fire
12 protection districts and fire protection services shall be required
13 to make payments for such insurance coverage as provided by Section
14 ~~85.37~~ 85.58M of this title.

15 F. Requests for the insurance or indemnity coverage provided
16 pursuant to the provisions of this section shall be submitted in
17 writing to the Risk Management Administrator by the fire
18 departments, fire protection districts or fire protection services
19 specified in subsection ~~C~~ D of this section. Those fire
20 departments, fire protection districts or fire protection services
21 meeting eligibility criteria shall be approved for participation in
22 the Risk Management Program by the Risk Management Administrator if
23 the member, officer, employee or volunteer, and the vehicles,
24 vessels, aircraft and buildings used by districts, services or

1 departments meet the equipment and safety standards and eligibility
2 requirements established by the Risk Management Administrator.

3 G. Any insurance or indemnity coverage shall be obtained or
4 provided solely from funds available in the shared risk pool
5 authorized by Section ~~85.34B~~ 85.58D of this title. Any coverage
6 limits shall be based on the liquidity of the shared risk pool
7 resulting from the annual payments made pursuant to Section ~~85.37~~
8 85.58M of this title and any interest accrued thereon, after
9 deduction of such sums as may be necessary to pay all overhead and
10 administrative expenses associated with administering the pool.

11 H. Any limited indemnity coverage provided for errors and
12 omissions pursuant to the provisions of this subsection shall only
13 cover errors or omissions made by a board member, official, employee
14 or volunteer of any entity specified in subsection € D of this
15 section occurring after ~~the effective date of this act~~ July 1, 1991.

16 I. The State of Oklahoma is not liable, directly or indirectly,
17 for the errors and omissions of any board member, official, employee
18 or volunteer of any entity specified in subsection € D of this
19 section in the performance of his official duties pursuant to law.
20 The State of Oklahoma is not liable, directly or indirectly, for the
21 negligence of any entity specified in subsection € D of this
22 section.

23 J. In providing risk management services for any entity
24 specified by subsection € D of this section or any such board

1 member, official, employee or volunteer of such entity, it is the
2 intention of the Legislature to provide coverage solely to the
3 extent of assets in the shared risk pool created by Section ~~85.34B~~
4 85.58D of this title.

5 K. Any liability insurance coverage obtained or provided shall
6 include expenses for legal services obtained or provided by the Risk
7 Management Administrator.

8 SECTION 2. This act shall become effective November 1, 2019.

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