



1           2. "Agency" means any board, commission, committee, department  
2 or other instrumentality or entity designated to act in behalf of  
3 the state or a political subdivision;

4           3. "Charitable health care provider" means a person who is  
5 licensed, certified, or otherwise authorized by the laws of this  
6 state to administer health care in the ordinary course of business  
7 or the practice of a profession and who provides care to a medically  
8 indigent person, as defined in paragraph 9 of this section, with no  
9 expectation of or acceptance of compensation of any kind;

10          4. "Claim" means any written demand presented by a claimant or  
11 the claimant's authorized representative in accordance with ~~this act~~  
12 the Governmental Tort Claims Act to recover money from the state or  
13 political subdivision as compensation for an act or omission of a  
14 political subdivision or the state or an employee;

15          5. "Claimant" means the person or the person's authorized  
16 representative who files notice of a claim in accordance with The  
17 Governmental Tort Claims Act. Only the following persons and no  
18 others may be claimants:

19           a. any person holding an interest in real or personal  
20 property which suffers a loss, provided that the claim  
21 of the person shall be aggregated with claims of all  
22 other persons holding an interest in the property and  
23 the claims of all other persons which are derivative  
24

1 of the loss, and that multiple claimants shall be  
2 considered a single claimant,

- 3 b. the individual actually involved in the accident or  
4 occurrence who suffers a loss, provided that the  
5 individual shall aggregate in the claim the losses of  
6 all other persons which are derivative of the loss, or  
7 c. in the case of death, an administrator, special  
8 administrator or a personal representative who shall  
9 aggregate in the claim all losses of all persons which  
10 are derivative of the death;

11 6. "Community health care provider" means:

- 12 a. a health care provider who volunteers services at a  
13 community health center that has been deemed by the  
14 U.S. Department of Health and Human Services as a  
15 federally qualified health center as defined by 42  
16 U.S.C., Section 1396d(1)(2)(B),  
17 b. a health provider who provides services to an  
18 organization that has been deemed a federally  
19 qualified look-alike community health center, and  
20 c. a health care provider who provides services to a  
21 community health center that has made application to  
22 the U.S. Department of Health and Human Services for  
23 approval and deeming as a federally qualified look-  
24 alike community health center in compliance with

1 federal application guidance, and has received  
2 comments from the U.S. Department of Health and Human  
3 Services as to the status of such application with the  
4 established intent of resubmitting a modified  
5 application, or, if denied, a new application, no  
6 later than six (6) months from the date of the  
7 official notification from the U.S. Department of  
8 Health and Human Services requiring resubmission of a  
9 new application;

10 7. "Employee" means any person who is authorized to act in  
11 behalf of a political subdivision or the state whether that person  
12 is acting on a permanent or temporary basis, with or without being  
13 compensated or on a full-time or part-time basis.

14 a. Employee also includes:

15 (1) all elected or appointed officers, members of  
16 governing bodies and other persons designated to  
17 act for an agency or political subdivision, but  
18 the term does not mean a person or other legal  
19 entity while acting in the capacity of an  
20 independent contractor or an employee of an  
21 independent contractor,

22 (2) from September 1, 1991, through June 30, 1996,  
23 licensed physicians, licensed osteopathic  
24 physicians and certified nurse-midwives providing

1 prenatal, delivery or infant care services to  
2 State Department of Health clients pursuant to a  
3 contract entered into with the State Department  
4 of Health in accordance with paragraph 3 of  
5 subsection B of Section 1-106 of Title 63 of the  
6 Oklahoma Statutes but only insofar as services  
7 authorized by and in conformity with the terms of  
8 the contract and the requirements of Section 1-  
9 233 of Title 63 of the Oklahoma Statutes, and  
10 (3) any volunteer, full-time or part-time firefighter  
11 when performing duties for a fire department  
12 provided for in subparagraph j of paragraph 11 of  
13 this section.

14 b. For the purpose of The Governmental Tort Claims Act,  
15 the following are employees of this state, regardless  
16 of the place in this state where duties as employees  
17 are performed:

- 18 (1) physicians acting in an administrative capacity,  
19 (2) resident physicians and resident interns  
20 participating in a graduate medical education  
21 program of the University of Oklahoma Health  
22 Sciences Center, the College of Osteopathic  
23 Medicine of Oklahoma State University, or the  
24

1 Department of Mental Health and Substance Abuse  
2 Services,

3 (3) faculty members and staff of the University of  
4 Oklahoma Health Sciences Center and the College  
5 of Osteopathic Medicine of Oklahoma State  
6 University, while engaged in teaching duties,

7 (4) physicians who practice medicine or act in an  
8 administrative capacity as an employee of an  
9 agency of the State of Oklahoma,

10 (5) physicians who provide medical care to inmates  
11 pursuant to a contract with the Department of  
12 Corrections,

13 (6) any person who is licensed to practice medicine  
14 pursuant to Title 59 of the Oklahoma Statutes,  
15 who is under an administrative professional  
16 services contract with the Oklahoma Health Care  
17 Authority under the auspices of the Oklahoma  
18 Health Care Authority Chief Medical Officer, and  
19 who is limited to performing administrative  
20 duties such as professional guidance for medical  
21 reviews, reimbursement rates, service  
22 utilization, health care delivery and benefit  
23 design for the Oklahoma Health Care Authority,

24

1 only while acting within the scope of such  
2 contract,

3 (7) licensed medical professionals under contract  
4 with city, county, or state entities who provide  
5 medical care to inmates or detainees in the  
6 custody or control of law enforcement agencies,

7 (8) licensed mental health professionals as defined  
8 in Sections 1-103 and 5-502 of Title 43A of the  
9 Oklahoma Statutes, who are conducting initial  
10 examinations of individuals for the purpose of  
11 determining whether an individual meets the  
12 criteria for emergency detention as part of a  
13 contract with the Department of Mental Health and  
14 Substance Abuse Services, and

15 (9) licensed mental health professionals as defined  
16 in Sections 1-103 and 5-502 of Title 43A of the  
17 Oklahoma Statutes, who are providing mental  
18 health or substance abuse treatment services  
19 under a professional services contract with the  
20 Department of Mental Health and Substance Abuse  
21 Services and are providing such treatment  
22 services at a state-operated facility.

23 Physician faculty members and staff of the University  
24 of Oklahoma Health Sciences Center and the College of

1 Osteopathic Medicine of Oklahoma State University not  
2 acting in an administrative capacity or engaged in  
3 teaching duties are not employees or agents of the  
4 state.

5 c. Except as provided in subparagraph b of this  
6 paragraph, in no event shall the state be held liable  
7 for the tortious conduct of any physician, resident  
8 physician or intern while practicing medicine or  
9 providing medical treatment to patients;

10 8. "Loss" means death or injury to the body or rights of a  
11 person or damage to real or personal property or rights therein;

12 9. "Medically indigent" means a person requiring medically  
13 necessary hospital or other health care services for the person or  
14 the dependents of the person who has no public or private third-  
15 party coverage, and whose personal resources are insufficient to  
16 provide for needed health care;

17 10. "Municipality" means any incorporated city or town, and all  
18 institutions, agencies or instrumentalities of a municipality;

19 11. "Political subdivision" means:

20 a. a municipality,

21 b. a school district, including, but not limited to, a  
22 technology center school district established pursuant  
23 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of  
24 the Oklahoma Statutes,



1 c. a county,

2 d. a public trust where the sole beneficiary or  
3 beneficiaries are a city, town, school district or  
4 county. For purposes of The Governmental Tort Claims  
5 Act, a public trust shall include:

6 (1) a municipal hospital created pursuant to Sections  
7 30-101 through 30-109 of Title 11 of the Oklahoma  
8 Statutes, a county hospital created pursuant to  
9 Sections 781 through 796 of Title 19 of the  
10 Oklahoma Statutes, or is created pursuant to a  
11 joint agreement between such governing  
12 authorities, that is operated for the public  
13 benefit by a public trust created pursuant to  
14 Sections 176 through 180.4 of Title 60 of the  
15 Oklahoma Statutes and managed by a governing  
16 board appointed or elected by the municipality,  
17 county, or both, who exercises control of the  
18 hospital, subject to the approval of the  
19 governing body of the municipality, county, or  
20 both,

21 (2) a public trust created pursuant to Sections 176  
22 through 180.4 of Title 60 of the Oklahoma  
23 Statutes after January 1, 2009, the primary  
24 purpose of which is to own, manage, or operate a

1 public acute care hospital in this state that  
2 serves as a teaching hospital for a medical  
3 residency program provided by a college of  
4 osteopathic medicine and provides care to  
5 indigent persons, and

6 (3) a corporation in which all of the capital stock  
7 is owned, or a limited liability company in which  
8 all of the member interest is owned, by a public  
9 trust,

10 e. for the purposes of The Governmental Tort Claims Act  
11 only, a housing authority created pursuant to the  
12 provisions of the Oklahoma Housing Authority Act,

13 f. for the purposes of The Governmental Tort Claims Act  
14 only, corporations organized not for profit pursuant  
15 to the provisions of the Oklahoma General Corporation  
16 Act for the primary purpose of developing and  
17 providing rural water supply and sewage disposal  
18 facilities to serve rural residents,

19 g. for the purposes of The Governmental Tort Claims Act  
20 only, districts formed pursuant to the Rural Water,  
21 Sewer, Gas and Solid Waste Management Districts Act,

22 h. for the purposes of The Governmental Tort Claims Act  
23 only, master conservancy districts formed pursuant to  
24 the Conservancy Act of Oklahoma,

- 1           i.    for the purposes of The Governmental Tort Claims Act  
2                    only, a fire protection district created pursuant to  
3                    the provisions of Section 901.1 et seq. of Title 19 of  
4                    the Oklahoma Statutes,
- 5           j.    for the purposes of The Governmental Tort Claims Act  
6                    only, a benevolent or charitable corporate volunteer  
7                    or full-time fire department for an unincorporated  
8                    area created pursuant to the provisions of Section 592  
9                    et seq. of Title 18 of the Oklahoma Statutes,
- 10          k.    for purposes of The Governmental Tort Claims Act only,  
11                    an Emergency Services Provider rendering services  
12                    within the boundaries of a Supplemental Emergency  
13                    Services District pursuant to an existing contract  
14                    between the Emergency Services Provider and the State  
15                    Department of Health.  Provided, however, that the  
16                    acquisition of commercial liability insurance covering  
17                    the activities of such Emergency Services Provider  
18                    performed within the State of Oklahoma shall not  
19                    operate as a waiver of any of the limitations,  
20                    immunities or defenses provided for political  
21                    subdivisions pursuant to the terms of The Governmental  
22                    Tort Claims Act,
- 23  
24

- 1           l.    for purposes of The Governmental Tort Claims Act only,  
2                    a conservation district created pursuant to the  
3                    provisions of the Conservation District Act,  
4           m.    for purposes of The Governmental Tort Claims Act,  
5                    districts formed pursuant to the Oklahoma Irrigation  
6                    District Act,  
7           n.    for purposes of The Governmental Tort Claims Act only,  
8                    any community action agency established pursuant to  
9                    Sections 5035 through 5040 of Title 74 of the Oklahoma  
10                   Statutes,  
11           o.    for purposes of The Governmental Tort Claims Act only,  
12                    any organization that is designated as a youth  
13                    services agency, pursuant to Section 2-7-306 of Title  
14                    10A of the Oklahoma Statutes,  
15           p.    for purposes of The Governmental Tort Claims Act only,  
16                    any judge presiding over a drug court, as defined by  
17                    Section 471.1 of Title 22 of the Oklahoma Statutes,  
18           q.    for purposes of The Governmental Tort Claims Act only,  
19                    any child-placing agency licensed by this state to  
20                    place children in foster family homes, ~~and~~  
21           r.    a circuit engineering district created pursuant to  
22                    Section 687.1 of Title 69 of the Oklahoma Statutes,  
23                    and

1        s. for purposes of The Governmental Tort Claims Act only,  
2        a regional transportation authority created pursuant  
3        to Section 1370.7 of Title 68 of the Oklahoma Statutes  
4        including its contract operator and any railroad  
5        operating in interstate commerce that sells a property  
6        interest or provides services to a regional  
7        transportation authority or allows the authority to  
8        use the property or tracks of the railroad for the  
9        provision of public passenger rail service to the  
10       extent claims against the contract operator or  
11       railroad arise out of or are related to or in  
12       connection with such property interest, services or  
13       operation of the public passenger rail service.  
14       Provided, the acquisition of commercial liability  
15       insurance to cover the activities of the regional  
16       transportation authority, contract operator or  
17       railroad shall not operate as a waiver of any  
18       liabilities, immunities or defenses provided pursuant  
19       to the provisions of the Governmental Tort Claims Act,

20 and all their institutions, instrumentalities or agencies;

21        12. "Scope of employment" means performance by an employee  
22 acting in good faith within the duties of the employee's office or  
23 employment or of tasks lawfully assigned by a competent authority  
24 including the operation or use of an agency vehicle or equipment

1 with actual or implied consent of the supervisor of the employee,  
2 but shall not include corruption or fraud;

3 13. "State" means the State of Oklahoma or any office,  
4 department, agency, authority, commission, board, institution,  
5 hospital, college, university, public trust created pursuant to  
6 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is  
7 the beneficiary, or other instrumentality thereof; and

8 14. "Tort" means a legal wrong, independent of contract,  
9 involving violation of a duty imposed by general law, statute, the  
10 Constitution of the State of Oklahoma, or otherwise, resulting in a  
11 loss to any person, association or corporation as the proximate  
12 result of an act or omission of a political subdivision or the state  
13 or an employee acting within the scope of employment.

14 SECTION 2. AMENDATORY 51 O.S. 2011, Section 154, is  
15 amended to read as follows:

16 Section 154. A. The total liability of the state and its  
17 political subdivisions on claims within the scope of The  
18 Governmental Tort Claims Act, arising out of an accident or  
19 occurrence happening after ~~the effective date of this act~~ October 1,  
20 1985, Section 151 et seq. of this title, shall not exceed:

21 1. Twenty-five Thousand Dollars (\$25,000.00) for any claim or  
22 to any claimant who has more than one claim for loss of property  
23 arising out of a single act, accident, or occurrence;

24

1           2. Except as otherwise provided in this paragraph, One Hundred  
2 Twenty-five Thousand Dollars (\$125,000.00) to any claimant for a  
3 claim for any other loss arising out of a single act, accident, or  
4 occurrence. The limit of liability for the state or any city or  
5 county with a population of three hundred thousand (300,000) or more  
6 according to the latest federal Decennial Census, or a political  
7 subdivision as defined in subparagraph s of paragraph 11 of Section  
8 152 of this title, shall not exceed One Hundred Seventy-five  
9 Thousand Dollars (\$175,000.00). Except however, the limits of ~~said~~  
10 the liability for the University Hospitals and State Mental Health  
11 Hospitals operated by the Department of Mental Health and Substance  
12 Abuse Services for claims arising from medical negligence shall be  
13 Two Hundred Thousand Dollars (\$200,000.00). For claims arising from  
14 medical negligence by any licensed physician, osteopathic physician  
15 or certified nurse-midwife rendering prenatal, delivery or infant  
16 care services from September 1, 1991, through June 30, 1996,  
17 pursuant to a contract authorized by subsection B of Section 1-106  
18 of Title 63 of the Oklahoma Statutes and in conformity with the  
19 requirements of Section 1-233 of Title 63 of the Oklahoma Statutes,  
20 the limits of ~~said~~ the liability shall be Two Hundred Thousand  
21 Dollars (\$200,000.00); or

22           3. One Million Dollars (\$1,000,000.00) for any number of claims  
23 arising out of a single occurrence or accident.

24

1 B. 1. Beginning on ~~the effective date of this act~~ May 28,  
2 2003, claims shall be allowed for wrongful criminal felony  
3 conviction resulting in imprisonment if the claimant has received a  
4 full pardon on the basis of a written finding by the Governor of  
5 actual innocence for the crime for which the claimant was sentenced  
6 or has been granted judicial relief absolving the claimant of guilt  
7 on the basis of actual innocence of the crime for which the claimant  
8 was sentenced. The Governor or the court shall specifically state,  
9 in the pardon or order, the evidence or basis on which the finding  
10 of actual innocence is based.

11 2. As used in paragraph 1 of this subsection, for a claimant to  
12 recover based on "actual innocence", the individual must meet the  
13 following criteria:

- 14 a. the individual was charged, by indictment or  
15 information, with the commission of a public offense  
16 classified as a felony,
- 17 b. the individual did not plead guilty to the offense  
18 charged, or to any lesser included offense, but was  
19 convicted of the offense,
- 20 c. the individual was sentenced to incarceration for a  
21 term of imprisonment as a result of the conviction,
- 22 d. the individual was imprisoned solely on the basis of  
23 the conviction for the offense, and  
24



1 e. (1) in the case of a pardon, a determination was made  
2 by either the Pardon and Parole Board or the  
3 Governor that the offense for which the  
4 individual was convicted, sentenced and  
5 imprisoned, including any lesser offenses, was  
6 not committed by the individual, or

7 (2) in the case of judicial relief, a court of  
8 competent jurisdiction found by clear and  
9 convincing evidence that the offense for which  
10 the individual was convicted, sentenced and  
11 imprisoned, including any lesser included  
12 offenses, was not committed by the individual and  
13 issued an order vacating, dismissing or reversing  
14 the conviction and sentence and providing that no  
15 further proceedings can be or will be held  
16 against the individual on any facts and  
17 circumstances alleged in the proceedings which  
18 had resulted in the conviction.

19 3. A claimant shall not be entitled to compensation for any  
20 part of a sentence in prison during which the claimant was also  
21 serving a concurrent sentence for a crime not covered by this  
22 subsection.

23 4. The total liability of the state and its political  
24 subdivisions on any claim within the scope of The Governmental Tort

1 Claims Act arising out of wrongful criminal felony conviction  
2 resulting in imprisonment shall not exceed One Hundred Seventy-five  
3 Thousand Dollars (\$175,000.00).

4 5. The provisions of this subsection shall apply to convictions  
5 occurring on or before ~~the effective date of this act~~ May 28, 2003,  
6 as well as convictions occurring after ~~the effective date of this~~  
7 ~~act~~ May 28, 2003. If a court of competent jurisdiction finds that  
8 retroactive application of this subsection is unconstitutional, the  
9 prospective application of this subsection shall remain valid.

10 C. No award for damages in an action or any claim against the  
11 state or a political subdivision shall include punitive or exemplary  
12 damages.

13 D. When the amount awarded to or settled upon multiple  
14 claimants exceeds the limitations of this section, any party may  
15 apply to the district court which has jurisdiction of the cause to  
16 apportion to each claimant the claimant's proper share of the total  
17 amount as limited herein. The share apportioned to each claimant  
18 shall be in the proportion that the ratio of the award or settlement  
19 made to him bears to the aggregate awards and settlements for all  
20 claims against the state or its political subdivisions arising out  
21 of the occurrence. When the amount of the aggregate losses  
22 presented by a single claimant exceeds the limits of paragraph 1 or  
23 2 of subsection A of this section, each person suffering a loss  
24 shall be entitled to that person's proportionate share.

1 E. The total liability of resident physicians and interns while  
2 participating in a graduate medical education program of the  
3 University of Oklahoma College of Medicine, its affiliated  
4 institutions and the Oklahoma College of Osteopathic Medicine and  
5 Surgery shall not exceed One Hundred Thousand Dollars (\$100,000.00).

6 F. The state or a political subdivision may petition the court  
7 that all parties and actions arising out of a single accident or  
8 occurrence shall be joined as provided by law, and upon order of the  
9 court the proceedings upon good cause shown shall be continued for a  
10 reasonable time or until such joinder has been completed. The state  
11 or political subdivision shall be allowed to interplead in any  
12 action which may impose on it any duty or liability pursuant to ~~this~~  
13 ~~act~~ the Governmental Tort Claims Act.

14 G. The liability of the state or political subdivision under  
15 The Governmental Tort Claims Act shall be several from that of any  
16 other person or entity, and the state or political subdivision shall  
17 only be liable for that percentage of total damages that corresponds  
18 to its percentage of total negligence. Nothing in this section  
19 shall be construed as increasing the liability limits imposed on the  
20 state or political subdivision under The Governmental Tort Claims  
21 Act.

22 SECTION 3. AMENDATORY 51 O.S. 2011, Section 155, as last  
23 amended by Section 3, Chapter 273, O.S.L. 2016 (51 O.S. Supp. 2020,  
24 Section 155), is amended to read as follows:

1 Section 155. The state or a political subdivision shall not be  
2 liable if a loss or claim results from:

3 1. Legislative functions;

4 2. Judicial, quasi-judicial, or prosecutorial functions, other  
5 than claims for wrongful criminal felony conviction resulting in  
6 imprisonment provided for in Section 154 of this title;

7 3. Execution or enforcement of the lawful orders of any court;

8 4. Adoption or enforcement of or failure to adopt or enforce a  
9 law, whether valid or invalid, including, but not limited to, any  
10 statute, charter provision, ordinance, resolution, rule, regulation  
11 or written policy;

12 5. Performance of or the failure to exercise or perform any act  
13 or service which is in the discretion of the state or political  
14 subdivision or its employees;

15 6. Civil disobedience, riot, insurrection or rebellion or the  
16 failure to provide, or the method of providing, police, law  
17 enforcement or fire protection;

18 7. Any claim based on the theory of attractive nuisance;

19 8. Snow or ice conditions or temporary or natural conditions on  
20 any public way or other public place due to weather conditions,  
21 unless the condition is affirmatively caused by the negligent act of  
22 the state or a political subdivision;

23 9. Entry upon any property where that entry is expressly or  
24 implied authorized by law;

1        10. Natural conditions of property of the state or political  
2 subdivision;

3        11. Assessment or collection of taxes or special assessments,  
4 license or registration fees, or other fees or charges imposed by  
5 law;

6        12. Licensing powers or functions including, but not limited  
7 to, the issuance, denial, suspension or revocation of or failure or  
8 refusal to issue, deny, suspend or revoke any permit, license,  
9 certificate, approval, order or similar authority;

10       13. Inspection powers or functions, including failure to make  
11 an inspection, review or approval, or making an inadequate or  
12 negligent inspection, review or approval of any property, real or  
13 personal, to determine whether the property complies with or  
14 violates any law or contains a hazard to health or safety, or fails  
15 to conform to a recognized standard;

16       14. Any loss to any person covered by any workers' compensation  
17 act or any employer's liability act;

18       15. Absence, condition, location or malfunction of any traffic  
19 or road sign, signal or warning device unless the absence,  
20 condition, location or malfunction is not corrected by the state or  
21 political subdivision responsible within a reasonable time after  
22 actual or constructive notice or the removal or destruction of such  
23 signs, signals or warning devices by third parties, action of  
24 weather elements or as a result of traffic collision except on

1 failure of the state or political subdivision to correct the same  
2 within a reasonable time after actual or constructive notice.  
3 Nothing herein shall give rise to liability arising from the failure  
4 of the state or any political subdivision to initially place any of  
5 the above signs, signals or warning devices. The signs, signals and  
6 warning devices referred to herein are those used in connection with  
7 hazards normally connected with the use of roadways or public ways  
8 and do not apply to the duty to warn of special defects such as  
9 excavations or roadway obstructions;

10 16. Any claim which is limited or barred by any other law;

11 17. Misrepresentation, if unintentional;

12 18. An act or omission of an independent contractor or  
13 consultant or his or her employees, agents, subcontractors or  
14 suppliers or of a person other than an employee of the state or  
15 political subdivision at the time the act or omission occurred;

16 19. Theft by a third person of money in the custody of an  
17 employee unless the loss was sustained because of the negligence or  
18 wrongful act or omission of the employee;

19 20. Participation in or practice for any interscholastic or  
20 other athletic contest sponsored or conducted by or on the property  
21 of the state or a political subdivision;

22 21. Participation in any activity approved by a local board of  
23 education and held within a building or on the grounds of the school

24

1 district served by that local board of education before or after  
2 normal school hours or on weekends;

3 22. Use of indoor or outdoor school property and facilities  
4 made available for public recreation before or after normal school  
5 hours or on weekends or school vacations, except those claims  
6 resulting from willful and wanton acts of negligence. For purposes  
7 of this paragraph:

8 a. "public" includes, but is not limited to, students  
9 during nonschool hours and school staff when not  
10 working as employees of the school, and

11 b. "recreation" means any indoor or outdoor physical  
12 activity, either organized or unorganized, undertaken  
13 for exercise, relaxation, diversion, sport or  
14 pleasure, and that is not otherwise covered by  
15 paragraph 20 or 21 of this section;

16 23. Any court-ordered, Department of Corrections or county  
17 approved work release program; provided, however, this provision  
18 shall not apply to claims from individuals not in the custody of the  
19 Department of Corrections based on accidents involving motor  
20 vehicles owned or operated by the Department of Corrections;

21 24. The activities of the National Guard, the militia or other  
22 military organization administered by the Military Department of the  
23 state when on duty pursuant to the lawful orders of competent  
24 authority:

- 1 a. in an effort to quell a riot,
- 2 b. in response to a natural disaster or military attack,
- 3 or
- 4 c. if participating in a military mentor program ordered
- 5 by the court;

6 25. Provision, equipping, operation or maintenance of any  
7 prison, jail or correctional facility, or injuries resulting from  
8 the parole or escape of a prisoner or injuries by a prisoner to any  
9 other prisoner; provided, however, this provision shall not apply to  
10 claims from individuals not in the custody of the Department of  
11 Corrections based on accidents involving motor vehicles owned or  
12 operated by the Department of Corrections;

13 26. Provision, equipping, operation or maintenance of any  
14 juvenile detention facility, or injuries resulting from the escape  
15 of a juvenile detainee, or injuries by a juvenile detainee to any  
16 other juvenile detainee;

17 27. Any claim or action based on the theory of manufacturer's  
18 products liability or breach of warranty, either expressed or  
19 implied;

20 28. Any claim or action based on the theory of indemnification  
21 or subrogation; provided, however, a political subdivision as  
22 defined in subparagraph s of paragraph 11 of Section 152 of this  
23 title may enter into a contract with a contract operator or any  
24 railroad operating in interstate commerce that sells a property



1 interest or provides services to a regional transportation  
2 authority, or allows the regional transportation authority to use  
3 the railroad's property or tracks for the provision of public  
4 passenger rail service, providing for the allocation of financial  
5 responsibility, indemnification, or the procurement of insurance for  
6 the parties for all types of claims or damages, provided that funds  
7 have been appropriated to cover the resulting contractual obligation  
8 at the time the contract is executed. The acquisition of commercial  
9 liability insurance to cover the activities of the regional  
10 transportation authority, contract operator or railroad shall not  
11 operate as a waiver of any of the liabilities, immunities or  
12 defenses provided for political subdivisions pursuant to the  
13 provisions of The Governmental Tort Claims Act. A contract entered  
14 into under this paragraph shall not affect rights of employees under  
15 the Federal Employers Liability Act or the Federal Railway Labor  
16 Act;

17 29. Any claim based upon an act or omission of an employee in  
18 the placement of children;

19 30. Acts or omissions done in conformance with then current  
20 recognized standards;

21 31. Maintenance of the state highway system or any portion  
22 thereof unless the claimant presents evidence which establishes  
23 either that the state failed to warn of the unsafe condition or that  
24

1 the loss would not have occurred but for a negligent affirmative act  
2 of the state;

3 32. Any confirmation of the existence or nonexistence of any  
4 effective financing statement on file in the office of the Secretary  
5 of State made in good faith by an employee of the office of the  
6 Secretary of State as required by the provisions of Section 1-9-  
7 320.6 of Title 12A of the Oklahoma Statutes;

8 33. Any court-ordered community sentence;

9 34. Remedial action and any subsequent related maintenance of  
10 property pursuant to and in compliance with an authorized  
11 environmental remediation program, order, or requirement of a  
12 federal or state environmental agency;

13 35. The use of necessary and reasonable force by a school  
14 district employee to control and discipline a student during the  
15 time the student is in attendance or in transit to and from the  
16 school, or any other function authorized by the school district;

17 36. Actions taken in good faith by a school district employee  
18 for the out-of-school suspension of a student pursuant to applicable  
19 Oklahoma Statutes; or

20 37. Use of a public facility opened to the general public  
21 during an emergency.

22 SECTION 4. This act shall become effective November 1, 2021.

23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03/25/2021 -  
24 DO PASS.