

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1069

By: Prieto

AS INTRODUCED

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2021, Sections 152, as last amended by Section 111, Chapter 452, O.S.L. 2024, 154, and 155, as amended by Section 21, Chapter 228, O.S.L. 2022 (51 O.S. Supp. 2024, Sections 152 and 155), which relate to definitions, extent of liability, and exceptions from liability; modifying definitions; requiring award of certain costs and fees for prevailing plaintiff; authorizing award of certain fees to defendant under certain circumstances; providing for liability for exempted acts upon certain findings by court; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 152, as last amended by Section 111, Chapter 452, O.S.L. 2024 (51 O.S. Supp. 2024, Section 152), is amended to read as follows:

Section 152. As used in The Governmental Tort Claims Act:

1. "Action" means a proceeding in a court of competent jurisdiction by which one party brings a suit against another;

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 the
12 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

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
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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 purposes 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
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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,

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 physician staff of the
24 University of Oklahoma Health Sciences Center and the

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

5 c. For the purposes of The Governmental Tort Claims Act,
6 employee shall include independent contractors and
7 employees of independent contractors while actively
8 engaged in the transport of individuals in need of
9 initial assessment, emergency detention, or protective
10 custody as authorized by Section 1-110 of Title 43A of
11 the Oklahoma Statutes.

12 d. Except as provided in subparagraph b of this
13 paragraph, in no event shall the state be held liable
14 for the tortious conduct of any physician, resident
15 physician or intern while practicing medicine or
16 providing medical treatment to patients.

17 e. For purposes of The Governmental Tort Claims Act,
18 members of the state military forces on state active
19 duty orders or on Title 32 active duty orders are
20 employees of this state, regardless of the place,
21 within or outside this state, where their duties as
22 employees are performed;

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

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

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

8 11. "Political subdivision" means:

9 a. a municipality,

10 b. a school district, including, but not limited to, a
11 technology center school district established pursuant
12 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of
13 the Oklahoma Statutes,

14 c. a county,

15 d. a public trust where the sole beneficiary or
16 beneficiaries are a city, town, school district or
17 county. For purposes of The Governmental Tort Claims
18 Act, a public trust shall include:

19 (1) a municipal hospital created pursuant to Sections
20 30-101 through 30-109 of Title 11 of the Oklahoma
21 Statutes, a county hospital created pursuant to
22 Sections 781 through 796 of Title 19 of the
23 Oklahoma Statutes, or is created pursuant to a
24 joint agreement between such governing
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1 authorities, that is operated for the public
2 benefit by a public trust created pursuant to
3 Sections 176 through 180.4 of Title 60 of the
4 Oklahoma Statutes and managed by a governing
5 board appointed or elected by the municipality,
6 county, or both, who exercises control of the
7 hospital, subject to the approval of the
8 governing body of the municipality, county, or
9 both,

10 (2) a public trust created pursuant to Sections 176
11 through 180.4 of Title 60 of the Oklahoma
12 Statutes after January 1, 2009, the primary
13 purpose of which is to own, manage, or operate a
14 public acute care hospital in this state that
15 serves as a teaching hospital for a medical
16 residency program provided by a college of
17 osteopathic medicine and provides care to
18 indigent persons, and

19 (3) a corporation in which all of the capital stock
20 is owned, or a limited liability company in which
21 all of the member interest is owned, by a public
22 trust,
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- 1 e. for the purposes of The Governmental Tort Claims Act
2 only, a housing authority created pursuant to the
3 provisions of the Oklahoma Housing Authorities Act,
4 f. for the purposes of The Governmental Tort Claims Act
5 only, corporations organized not for profit pursuant
6 to the provisions of the Oklahoma General Corporation
7 Act for the primary purpose of developing and
8 providing rural water supply and sewage disposal
9 facilities to serve rural residents,
10 g. for the purposes of The Governmental Tort Claims Act
11 only, districts formed pursuant to the Rural Water,
12 Sewer, Gas and Solid Waste Management Districts Act,
13 h. for the purposes of The Governmental Tort Claims Act
14 only, master conservancy districts formed pursuant to
15 the Conservancy Act of Oklahoma,
16 i. for the purposes of The Governmental Tort Claims Act
17 only, a fire protection district created pursuant to
18 the provisions of Section 901.1 et seq. of Title 19 of
19 the Oklahoma Statutes,
20 j. for the purposes of The Governmental Tort Claims Act
21 only, a benevolent or charitable corporate volunteer
22 or full-time fire department for an unincorporated
23 area created pursuant to the provisions of Section 592
24 et seq. of Title 18 of the Oklahoma Statutes,

- 1 k. for purposes of The Governmental Tort Claims Act only,
2 an Emergency Services Provider rendering services
3 within the boundaries of a Supplemental Emergency
4 Services District pursuant to an existing contract
5 between the Emergency Services Provider and the State
6 Department of Health. Provided, however, that the
7 acquisition of commercial liability insurance covering
8 the activities of such Emergency Services Provider
9 performed within this state shall not operate as a
10 waiver of any of the limitations, immunities or
11 defenses provided for political subdivisions pursuant
12 to the terms of The Governmental Tort Claims Act,
13 l. for purposes of The Governmental Tort Claims Act only,
14 a conservation district created pursuant to the
15 provisions of the Conservation District Act,
16 m. for purposes of The Governmental Tort Claims Act,
17 districts formed pursuant to the Oklahoma Irrigation
18 District Act,
19 n. for purposes of The Governmental Tort Claims Act only,
20 any community action agency established pursuant to
21 Sections 5035 through 5040 of Title 74 of the Oklahoma
22 Statutes,
23 o. for purposes of The Governmental Tort Claims Act only,
24 any organization that is designated as a youth

1 services agency, pursuant to Section 2-7-306 of Title
2 10A of the Oklahoma Statutes,

3 p. for purposes of The Governmental Tort Claims Act only,
4 any judge presiding over a drug court, as defined by
5 Section 471.1 of Title 22 of the Oklahoma Statutes,

6 q. for purposes of The Governmental Tort Claims Act only,
7 any child-placing agency licensed by this state to
8 place children in foster family homes,

9 r. for purposes of The Governmental Tort Claims Act only,
10 a circuit engineering district created pursuant to
11 Section 687.1 of Title 69 of the Oklahoma Statutes,

12 s. for purposes of the Governmental Tort Claims Act only,
13 a substate planning district, regional council of
14 government or other entity created pursuant to Section
15 1001 et seq. of Title 74 of the Oklahoma Statutes, and

16 t. for purposes of The Governmental Tort Claims Act only,
17 a regional transportation authority created pursuant
18 to Section 1370.7 of Title 68 of the Oklahoma Statutes
19 including its contract operator and any railroad
20 operating in interstate commerce that sells a property
21 interest or provides services to a regional
22 transportation authority or allows the authority to
23 use the property or tracks of the railroad for the
24 provision of public passenger rail service to the

1 extent claims against the contract operator or
2 railroad arise out of or are related to or in
3 connection with such property interest, services or
4 operation of the public passenger rail service.
5 Provided, the acquisition of commercial liability
6 insurance to cover the activities of the regional
7 transportation authority, contract operator or
8 railroad shall not operate as a waiver of any
9 liabilities, immunities or defenses provided pursuant
10 to the provisions of the Governmental Tort Claims Act,
11 and all their institutions, instrumentalities or agencies;

12 12. "Scope of employment" means performance by an employee
13 acting ~~in good faith~~ within the duties of the employee's office or
14 employment or of tasks lawfully assigned by a competent authority
15 including the operation or use of an agency vehicle or equipment
16 with actual or implied consent of the supervisor of the employee,
17 but shall not include corruption ~~or~~ fraud, gross negligence, or
18 willful misconduct;

19 13. "State" means the State of Oklahoma or any office,
20 department, agency, authority, commission, board, institution,
21 hospital, college, university, public trust created pursuant to
22 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
23 the beneficiary, or other instrumentality thereof;

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1 14. "State active duty" shall be defined in accordance with
2 Section 801 of Title 44 of the Oklahoma Statutes;

3 15. "State military forces" shall be defined in accordance with
4 Section 801 of Title 44 of the Oklahoma Statutes;

5 16. "Title 32 active duty" shall be defined in accordance with
6 Section 801 of Title 44 of the Oklahoma Statutes; and

7 17. "Tort" means a legal wrong, independent of contract,
8 involving violation of a duty imposed by general law, statute, the
9 Constitution of the State of Oklahoma, or otherwise, resulting in a
10 loss to any person, association or corporation as the proximate
11 result of an act or omission of a political subdivision or the state
12 or an employee acting within the scope of employment; provided,
13 however, a tort shall not include a claim for inverse condemnation.

14 SECTION 2. AMENDATORY 51 O.S. 2021, Section 154, is
15 amended to read as follows:

16 Section 154. A. ~~The 1. Except for an award of costs and fees~~
17 pursuant to paragraph 2 of this subsection, the total liability of
18 the state and its political subdivisions on claims within the scope
19 of The Governmental Tort Claims Act, arising out of an accident or
20 occurrence happening after October 1, 1985, Section 151 et seq. of
21 this title, shall not exceed:

22 ~~1.~~

23 a. Twenty-five Thousand Dollars (\$25,000.00) for any
24 claim or to any claimant who has more than one claim

1 for loss of property arising out of a single act,
2 accident, or occurrence~~+,~~

3 ~~2.~~

4 b. Except as otherwise provided in this paragraph, One
5 Hundred Twenty-five Thousand Dollars (\$125,000.00) to
6 any claimant for a claim for any other loss arising
7 out of a single act, accident, or occurrence. The
8 limit of liability for the state or any city or county
9 with a population of three hundred thousand (300,000)
10 or more according to the latest Federal Decennial
11 Census, or a political subdivision as defined in
12 subparagraph s of paragraph 11 of Section 152 of this
13 title, shall not exceed One Hundred Seventy-five
14 Thousand Dollars (\$175,000.00). Except however, the
15 limits of the liability for the University Hospitals
16 and State Mental Health Hospitals operated by the
17 Department of Mental Health and Substance Abuse
18 Services for claims arising from medical negligence
19 shall be Two Hundred Thousand Dollars (\$200,000.00).
20 For claims arising from medical negligence by any
21 licensed physician, osteopathic physician or certified
22 nurse-midwife rendering prenatal, delivery or infant
23 care services from September 1, 1991, through June 30,
24 1996, pursuant to a contract authorized by subsection

1 B of Section 1-106 of Title 63 of the Oklahoma
2 Statutes and in conformity with the requirements of
3 Section 1-233 of Title 63 of the Oklahoma Statutes,
4 the limits of the liability shall be Two Hundred
5 Thousand Dollars (\$200,000.00)~~+~~1 or

6 ~~3.~~

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

9 2. a. The court shall award court costs and reasonable
10 attorney and expert witness fees to a prevailing
11 plaintiff in any trial or appellate proceeding under
12 The Governmental Tort Claims Act.

13 b. The court may award reasonable attorney and expert
14 witness fees to a defendant who prevails in an action
15 under The Governmental Tort Claims Act if the court
16 determines that the plaintiff had no reasonable basis
17 for asserting a claim or appealing an adverse decision
18 of a trial court or administrative law judge. Fees
19 awarded under his subparagraph shall not exceed
20 Twenty-five Thousand Dollars (\$25,000.00).

21 B. 1. Beginning on May 28, 2003, claims shall be allowed for
22 wrongful criminal felony conviction resulting in imprisonment if the
23 claimant has received a full pardon on the basis of a written
24 finding by the Governor of actual innocence for the crime for which

1 the claimant was sentenced or has been granted judicial relief
2 absolving the claimant of guilt on the basis of actual innocence of
3 the crime for which the claimant was sentenced. The Governor or the
4 court shall specifically state, in the pardon or order, the evidence
5 or basis on which the finding of actual innocence is based.

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

- 9 a. the individual was charged, by indictment or
10 information, with the commission of a public offense
11 classified as a felony,
- 12 b. the individual did not plead guilty to the offense
13 charged, or to any lesser included offense, but was
14 convicted of the offense,
- 15 c. the individual was sentenced to incarceration for a
16 term of imprisonment as a result of the conviction,
- 17 d. the individual was imprisoned solely on the basis of
18 the conviction for the offense, and
- 19 e. (1) in the case of a pardon, a determination was made
20 by either the Pardon and Parole Board or the
21 Governor that the offense for which the
22 individual was convicted, sentenced and
23 imprisoned, including any lesser offenses, was
24 not committed by the individual, or

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

13 3. A claimant shall not be entitled to compensation for any
14 part of a sentence in prison during which the claimant was also
15 serving a concurrent sentence for a crime not covered by this
16 subsection.

17 4. The total liability of the state and its political
18 subdivisions on any claim within the scope of The Governmental Tort
19 Claims Act arising out of wrongful criminal felony conviction
20 resulting in imprisonment shall not exceed One Hundred Seventy-five
21 Thousand Dollars (\$175,000.00).

22 5. The provisions of this subsection shall apply to convictions
23 occurring on or before May 28, 2003, as well as convictions
24 occurring after May 28, 2003. If a court of competent jurisdiction

1 finds that retroactive application of this subsection is
2 unconstitutional, the prospective application of this subsection
3 shall remain valid.

4 C. No award for damages in an action or any claim against the
5 state or a political subdivision shall include punitive or exemplary
6 damages.

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

19 E. The total liability of resident physicians and interns while
20 participating in a graduate medical education program of the
21 University of Oklahoma College of Medicine, its affiliated
22 institutions and the Oklahoma College of Osteopathic Medicine and
23 Surgery shall not exceed One Hundred Thousand Dollars (\$100,000.00).
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1 F. The state or a political subdivision may petition the court
2 that all parties and actions arising out of a single accident or
3 occurrence shall be joined as provided by law, and upon order of the
4 court the proceedings upon good cause shown shall be continued for a
5 reasonable time or until such joinder has been completed. The state
6 or political subdivision shall be allowed to interplead in any
7 action which may impose on it any duty or liability pursuant to The
8 Governmental Tort Claims Act.

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

17 SECTION 3. AMENDATORY 51 O.S. 2021, Section 155, as
18 amended by Section 21, Chapter 228, O.S.L. 2022 (51 O.S. Supp. 2024,
19 Section 155), is amended to read as follows:

20 Section 155. ~~The~~ Unless the court finds by a preponderance of
21 the evidence that a loss or claim was the result of corruption,
22 fraud, gross negligence, or willful misconduct, the state or a
23 political subdivision shall not be liable if a loss or claim results
24 from:

- 1 1. Legislative functions;
- 2 2. Judicial, quasi-judicial, or prosecutorial functions, other
3 than claims for wrongful criminal felony conviction resulting in
4 imprisonment provided for in Section 154 of this title;
- 5 3. Execution or enforcement of the lawful orders of any court;
- 6 4. Adoption or enforcement of or failure to adopt or enforce a
7 law, whether valid or invalid, including, but not limited to, any
8 statute, charter provision, ordinance, resolution, rule, regulation
9 or written policy;
- 10 5. Performance of or the failure to exercise or perform any act
11 or service which is in the discretion of the state or political
12 subdivision or its employees;
- 13 6. Civil disobedience, riot, insurrection or rebellion or the
14 failure to provide, or the method of providing, police, law
15 enforcement or fire protection;
- 16 7. Any claim based on the theory of attractive nuisance;
- 17 8. Snow or ice conditions or temporary or natural conditions on
18 any public way or other public place due to weather conditions,
19 unless the condition is affirmatively caused by the negligent act of
20 the state or a political subdivision;
- 21 9. Entry upon any property where that entry is expressly or
22 implied authorized by law;
- 23 10. Natural conditions of property of the state or political
24 subdivision;

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

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

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

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

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

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

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

9 17. Misrepresentation, if unintentional;

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

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

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

20 21. Participation in any activity approved by a local board of
21 education and held within a building or on the grounds of the school
22 district served by that local board of education before or after
23 normal school hours or on weekends;

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

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

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

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

19 24. The activities of the state military forces when on state
20 active duty orders or on Title 32 active duty orders;

21 25. Provision, equipping, operation or maintenance of any
22 prison, jail or correctional facility, or injuries resulting from
23 the parole or escape of a prisoner or injuries by a prisoner to any
24 other prisoner; provided, however, this provision shall not apply to
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1 claims from individuals not in the custody of the Department of
2 Corrections based on accidents involving motor vehicles owned or
3 operated by the Department of Corrections;

4 26. Provision, equipping, operation or maintenance of any
5 juvenile detention facility, or injuries resulting from the escape
6 of a juvenile detainee, or injuries by a juvenile detainee to any
7 other juvenile detainee;

8 27. Any claim or action based on the theory of manufacturer's
9 products liability or breach of warranty, either expressed or
10 implied;

11 28. Any claim or action based on the theory of indemnification
12 or subrogation; provided, however, a political subdivision as
13 defined in subparagraph s of paragraph 11 of Section 152 of this
14 title may enter into a contract with a contract operator or any
15 railroad operating in interstate commerce that sells a property
16 interest or provides services to a regional transportation
17 authority, or allows the regional transportation authority to use
18 the railroad's property or tracks for the provision of public
19 passenger rail service, providing for the allocation of financial
20 responsibility, indemnification, or the procurement of insurance for
21 the parties for all types of claims or damages, provided that funds
22 have been appropriated to cover the resulting contractual obligation
23 at the time the contract is executed. The acquisition of commercial
24 liability insurance to cover the activities of the regional

1 transportation authority, contract operator or railroad shall not
2 operate as a waiver of any of the liabilities, immunities or
3 defenses provided for political subdivisions pursuant to the
4 provisions of The Governmental Tort Claims Act. A contract entered
5 into under this paragraph shall not affect rights of employees under
6 the Federal Employers Liability Act or the Federal Railway Labor
7 Act;

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

10 30. Acts or omissions done in conformance with then current
11 recognized standards;

12 31. Maintenance of the state highway system or any portion
13 thereof unless the claimant presents evidence which establishes
14 either that the state failed to warn of the unsafe condition or that
15 the loss would not have occurred but for a negligent affirmative act
16 of the state;

17 32. Any confirmation of the existence or nonexistence of any
18 effective financing statement on file in the office of the Secretary
19 of State made in good faith by an employee of the office of the
20 Secretary of State as required by the provisions of Section 1-9-
21 320.6 of Title 12A of the Oklahoma Statutes;

22 33. Any court-ordered community sentence;

23 34. Remedial action and any subsequent related maintenance of
24 property pursuant to and in compliance with an authorized

1 environmental remediation program, order, or requirement of a
2 federal or state environmental agency;

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

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

10 37. Use of a public facility opened to the general public
11 during an emergency.

12 SECTION 4. This act shall become effective November 1, 2025.

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