

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 213

By: Howard

AS INTRODUCED

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2021, Section 154, which relates to extent of liability; increasing limits on liability for certain claims; updating statutory language; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 154, is amended to read as follows:

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

1. ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Seventy-five Thousand Dollars (\$75,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence;

1 2. a. Eighty-five Thousand Dollars (\$85,000.00) to any
2 claimant for any number of claims for inconvenience,
3 annoyance, or discomfort in nuisance claims arising
4 out of a single act, accident, or occurrence in a
5 county with a population of less than one hundred
6 fifty thousand (150,000) according to the latest
7 Federal Decennial Census, or

8 b. One Hundred Forty Thousand Dollars (\$140,000.00) to
9 any claimant for any number of claims for
10 inconvenience, annoyance, or discomfort in nuisance
11 claims arising out of a single act, accident, or
12 occurrence in a county with a population of one
13 hundred fifty thousand (150,000) or more according to
14 the latest Federal Decennial Census;

15 3. Except as otherwise provided in this paragraph, ~~One Hundred~~
16 ~~Twenty-five Thousand Dollars (\$125,000.00) Two Hundred Fifty~~
17 Thousand Dollars (\$250,000.00) to any claimant for a claim for any
18 other loss arising out of a single act, accident, or occurrence.
19 The limit of liability for the state or any city or county with a
20 population of ~~three hundred thousand (300,000)~~ one hundred fifty
21 thousand (150,000) or more according to the latest Federal Decennial
22 Census, or a political subdivision as defined in subparagraph s of
23 paragraph 11 of Section 152 of this title, shall not exceed ~~One~~
24 ~~Hundred Seventy-five Thousand Dollars (\$175,000.00) Three Hundred~~

1 Seventy-five Thousand Dollars (\$375,000.00). Except however, the
2 limits of ~~the~~ liability for the University Hospitals and ~~State~~
3 ~~Mental Health Hospitals~~ state mental health hospitals operated by
4 the Department of Mental Health and Substance Abuse Services for
5 claims arising from medical negligence shall be ~~Two Hundred Thousand~~
6 ~~Dollars (\$200,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00).

7 For claims arising from medical negligence by any licensed
8 physician, osteopathic physician or certified nurse-midwife
9 rendering prenatal, delivery or infant care services from September
10 1, 1991, through June 30, 1996, pursuant to a contract authorized by
11 subsection ~~B~~ C of Section 1-106 of Title 63 of the Oklahoma Statutes
12 and in conformity with the requirements of Section 1-233 of Title 63
13 of the Oklahoma Statutes, the limits of ~~the~~ liability shall be Two
14 Hundred Thousand Dollars (\$200,000.00); ~~or~~

15 ~~3.~~ 4. One Million Dollars (\$1,000,000.00) for any number of
16 claims for indemnification pursuant to Section 162 of this title
17 arising out of a single occurrence or accident; or

18 5. Two Million Dollars (\$2,000,000.00) in the aggregate for any
19 number of claims arising out of a single occurrence or accident.

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

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

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

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

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~~ each claimant bears to the aggregate awards and
14 settlements for all claims against the state or its political
15 subdivisions arising out of the occurrence. When the amount of the
16 aggregate losses presented by a single claimant exceeds the limits
17 of paragraph 1, or 2, or 3 of subsection A of this section, each
18 person suffering a loss shall be entitled to that person's
19 proportionate share.

20 E. The total liability of resident physicians and interns while
21 participating in a graduate medical education program of the
22 University of Oklahoma College of Medicine, its affiliated
23 institutions and the Oklahoma State University College of
24 Osteopathic Medicine ~~and Surgery~~ shall not exceed ~~One Hundred~~

1 ~~Thousand Dollars (\$100,000.00)~~ One Hundred Fifty Thousand Dollars
2 (\$150,000.00).

3 F. The total liability of a public trust hospital and physician
4 for the acts of a physician who provides medical services on the
5 premises of a public trust hospital as defined pursuant to Section
6 152 of this title, that is located in a county with a population of
7 less than seventy-five thousand (75,000) according to the latest
8 Federal Decennial Census, but who is not employed by such hospital,
9 shall not exceed One Million Dollars (\$1,000,000.00). If the
10 physician is employed by another group or entity not under the sole
11 or majority control of the physician, the total limit of liability
12 of the physician and hospital shall be the higher coverage afforded
13 by the liability policy or self-insurance or assets of that group or
14 entity.

15 G. The state or a political subdivision may petition the court
16 that all parties and actions arising out of a single accident or
17 occurrence shall be joined as provided by law, and upon order of the
18 court the proceedings upon good cause shown shall be continued for a
19 reasonable time or until such joinder has been completed. The state
20 or political subdivision shall be allowed to interplead in any
21 action which may impose on it any duty or liability pursuant to The
22 Governmental Tort Claims Act.

23 ~~G.~~ H. The liability of the state or political subdivision under
24 The Governmental Tort Claims Act shall be several from that of any

1 other person or entity, and the state or political subdivision shall
2 only be liable for that percentage of total damages that corresponds
3 to its percentage of total negligence. Nothing in this section
4 shall be construed as increasing the liability limits imposed on the
5 state or political subdivision under The Governmental Tort Claims
6 Act.

7 SECTION 2. This act shall become effective November 1, 2025.

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