

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1681

 By: Grau

7 AS INTRODUCED

8 An Act relating to The Governmental Tort Claims Act;
9 amending 51 O.S. 2011, Section 153, as amended by
10 Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp.
11 2014, Section 153), which relates to the scope of
12 liability pursuant to The Governmental Tort Claims
13 Act; providing requirements for certain actions;
14 prohibiting inclusion of certain persons as
15 defendants; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 51 O.S. 2011, Section 153, as
17 amended by Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp. 2014,
18 Section 153), is amended to read as follows:

19 Section 153. A. The state or a political subdivision shall be
20 liable for loss resulting from its torts or the torts of its
21 employees acting within the scope of their employment subject to the
22 limitations and exceptions specified in The Governmental Tort Claims
23 Act and only where the state or political subdivision, if a private
24 person or entity, would be liable for money damages under the laws

1 of this state. The state or a political subdivision shall not be
2 liable under the provisions of The Governmental Tort Claims Act for
3 any act or omission of an employee acting outside the scope of the
4 employee's employment.

5 B. The liability of the state or political subdivision under
6 The Governmental Tort Claims Act shall be exclusive and shall
7 constitute the extent of tort liability of the state, a political
8 subdivision or employee arising from common law, statute, the
9 Oklahoma Constitution, or otherwise. If a court of competent
10 jurisdiction finds tort liability on the part of the state or a
11 political subdivision of the state based on a provision of the
12 Oklahoma Constitution or state law other than The Governmental Tort
13 Claims Act, the limits of liability provided for in The Governmental
14 Tort Claims Act shall apply.

15 C. If an action is commenced alleging tort liability on the
16 part of the state or a political subdivision of the state or an
17 employee of the state or of a political subdivision of the state
18 based on a provision of the Oklahoma Constitution or state law other
19 than The Governmental Tort Claims Act, the action shall name as
20 defendant the state or political subdivision against which liability
21 is sought to be established. In no instance in any such action
22 shall an employee of the state or of a political subdivision of the
23 state acting within the scope of employment be named as defendant.

24

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
7 dated 02/11/2015 - DO PASS.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24