

1 ENGROSSED HOUSE  
2 BILL NO. 1681

By: Grau of the House

3 and

4 Holt of the Senate

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6  
7 An Act relating to The Governmental Tort Claims Act;  
8 amending 51 O.S. 2011, Section 153, as amended by  
9 Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp.  
10 2014, Section 153), which relates to the scope of  
11 liability pursuant to The Governmental Tort Claims  
12 Act; providing requirements for certain actions;  
13 prohibiting inclusion of certain persons as  
14 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  
of this state. The state or a political subdivision shall not be

1 liable under the provisions of The Governmental Tort Claims Act for  
2 any act or omission of an employee acting outside the scope of the  
3 employee's employment.

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

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

23 SECTION 2. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 Passed the House of Representatives the 9th day of March, 2015.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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Presiding Officer of the Senate

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