

1 **SENATE FLOOR VERSION**

2 March 31, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1681

6 By: Grau of the House

7 and

8 Holt of the Senate

9 **[The Governmental Tort Claims Act - scope of
10 liability -**

11 **emergency]**

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

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

16 Section 153. A. The state or a political subdivision shall be
17 liable for loss resulting from its torts or the torts of its
18 employees acting within the scope of their employment subject to the
19 limitations and exceptions specified in The Governmental Tort Claims
20 Act and only where the state or political subdivision, if a private
21 person or entity, would be liable for money damages under the laws
22 of this state. The state or a political subdivision shall not be
23 liable under the provisions of The Governmental Tort Claims Act for
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1 any act or omission of an employee acting outside the scope of the
2 employee's employment.

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

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

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

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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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
4 March 31, 2015 - DO PASS AS AMENDED
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