

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1713

BY: ADAIR

AS INTRODUCED

AN ACT RELATING TO STATE GOVERNMENT; AMENDING SECTION 1, CHAPTER 14, O.S.L. 1987 (74 O.S. SUPP. 1990, SECTION 85.34A), WHICH RELATES TO RISK MANAGEMENT; PROVIDING FOR ADDITIONAL INSURANCE COVERAGE FOR CERTAIN FIRE DEPARTMENTS, DISTRICTS AND SERVICES; PROVIDING SPECIFICATIONS AND LIMITATIONS; PROVIDING FOR LIABILITY; PROVIDING LEGISLATIVE INTENT; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 1, Chapter 14, O.S.L. 1987 (74 O.S. Supp. 1990, Section 85.34A), is amended to read as follows:

Section 85.34A A. The Risk Management Administrator, pursuant to the provisions of this section and Section 85.34 of ~~Title 74 of the Oklahoma Statutes~~ this title, may obtain or provide insurance coverage for any vehicle, vessel ~~or~~, aircraft or building used for or in fire fighting by the districts, departments and services specified in subsection ~~B~~ C of this section and may obtain or

provide indemnity coverage for any board member, official, employee or volunteer of any entity specified in subsection C of this section for any errors and omissions or liability risks arising from the performance of their official duties pursuant to law.

B. The Risk Management Administrator is authorized to determine eligibility criteria for participation in the Risk Management Program by such districts, departments and services or for such member, officer, employee or volunteer. In addition, the Risk Management Administrator is authorized to establish equipment and safety standards for the vehicles, vessels ~~or~~, aircraft or buildings to be covered by the Risk Management Program.

C. The Risk Management Administrator may obtain or provide the insurance coverage authorized by subsection A of this section for:

1. fire protection districts organized and operated pursuant to the provisions of Sections 901.1 through 901.29 of Title 19 of the Oklahoma Statutes;

2. volunteer or full-time fire departments established pursuant to Section 592 of Title 18 of the Oklahoma Statutes;

3. municipal fire departments organized and operated pursuant to the provisions of Sections 29-101 through 29-108, and Sections 29-201 through 29-205 of Title 11 of the Oklahoma Statutes; and

4. fire protection services established pursuant to the provisions of Section 351 of Title 19 of the Oklahoma Statutes.

~~C.~~ D. The governing authorities of such fire departments, fire protection districts and fire protection services shall be required to make payments for such insurance coverage as provided by Section 85.37 of Title 74 of the Oklahoma Statutes.

~~D.~~ E. Requests for the insurance or indemnity coverage provided pursuant to the provisions of this section shall be submitted in writing to the Risk Management Administrator by the fire departments, fire protection districts or fire protection services specified in subsection ~~B~~ C of this section. Those fire

departments, fire protection districts or fire protection services meeting eligibility criteria shall be approved for participation in the Risk Management Program by the Risk Management Administrator if the member, officer, employee or volunteer, and the vehicles, vessels and, aircraft and buildings used by districts, services or departments meet the equipment and safety standards and eligibility requirements established by the Risk Management Administrator.

F. Any insurance or indemnity coverage shall be obtained or provided solely from funds available in the shared risk pool authorized by Section 85.34b of this title. Any coverage limits shall be based on the liquidity of the shared risk pool resulting from the annual payments made pursuant to Section 85.37 of this title and any interest accrued thereon, after deduction of such sums as may be necessary to pay all overhead and administrative expenses associated with administering the pool.

G. Any limited indemnity coverage provided for errors and omissions pursuant to the provisions of this subsection shall only cover errors or omissions made by a board member, official, employee or volunteer of any entity specified in subsection C of this section occurring after the effective date of this act.

H. The State of Oklahoma is not liable, directly or indirectly, for the errors and omissions of any board member, official, employee or volunteer of any entity specified in subsection C of this section in the performance of his official duties pursuant to law. The State of Oklahoma is not liable, directly or indirectly, for the negligence of any entity specified in subsection C of this section.

I. In providing risk management services for any entity specified by subsection C of this section or any such board member, official, employee or volunteer of such entity, it is the intention of the Legislature to provide coverage solely to the extent of assets in the shared risk pool created by Section 85.34b of this title.

SECTION 2. This act shall become effective July 1, 1991.

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

43-1-5062

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