

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 206

BY: HORNER of the SENATE

and

ROSS of the HOUSE

AS INTRODUCED

AN ACT RELATING TO OFFICERS; AMENDING 51 O.S. 1981, SECTION 156, AS LAST AMENDED BY SECTION 4, CHAPTER 241, O.S.L. 1988 (51 O.S. SUPP. 1990, SECTION 156), WHICH RELATES TO PRESENTATION AND LIMITATION OF CERTAIN CLAIMS; INCREASING THE PERIOD DURING WHICH CLAIMS MAY BE PRESENTED; DELETING LIMITATION ON PERIOD OF INCAPACITATION; ELIMINATING PROVISIONS RELATING TO CLAIMS ARISING FROM WRONGFUL DEATH; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 51 O.S. 1981, Section 156, as last amended by Section 4, Chapter 241, O.S.L. 1988 (51 O.S. Supp. 1990, Section 156), is amended to read as follows:

Section 156. A. Any person having a claim against the state or a political subdivision within the scope of this act, Section 151 et seq. of this title, shall present a claim to the state or political subdivision for any appropriate relief including the award of money damages.

B. Claims against the state or a political subdivision are to be presented within ~~ninety (90) days of the date the loss occurs.~~
~~In the event a claim is presented following ninety (90) days after~~

~~the loss occurs, but within one (1) year after the loss occurs, any judgment in a lawsuit arising from the act which is the subject of the claim shall be reduced by ten percent (10%). A claim against the state or a political subdivision shall be forever barred unless notice thereof is presented within one (1) year after the loss occurs two (2) years after the claimant discovered or should have discovered the injury.~~

C. A claim against the state shall be in writing and filed with the Office of the Risk Management Administrator of the Purchasing Division of the Office of Public Affairs who shall immediately notify the Attorney General and the agency concerned and conduct a diligent investigation of the validity of the claim within the time specified for approval or denial of claims by Section 157 of this title. A claim may be filed by certified mail with return receipt requested. A claim which is mailed shall be considered filed upon receipt by the Office of the Risk Management Administrator.

D. A claim against a political subdivision shall be in writing and filed with the office of the clerk of the governing body.

E. The written notice of claim to the state or a political subdivision shall state the date, time, place and circumstances of the claim, the identity of the state agency or agencies involved, the amount of compensation or other relief demanded, the name, address and telephone number of the claimant, and the name, address and telephone number of any agent authorized to settle the claim. Failure to state either the date, time, place and circumstances and amount of compensation demanded shall not invalidate the notice unless the claimant declines or refuses to furnish such information after demand by the state or political subdivision. The time for giving written notice of claim pursuant to the provisions of this section does not include the time during which the person injured is unable due to incapacitation from the injury to give such notice, ~~not exceeding ninety (90) days of incapacity.~~

~~F. When the claim is one for death by wrongful act or omission, notice may be presented by the personal representative within one (1) year after the alleged injury or loss resulting in such death. If the person for whose death the claim is made has presented notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.~~

~~G.~~ Claims and suits against resident physicians or interns shall be made in accordance with the provisions of Titles 12 and 76 of the Oklahoma Statutes.

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

43-1-198

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