

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1280

By: Adair

COMMITTEE SUBSTITUTE

An Act relating to the Governmental Tort Claims Act; amending 51 O.S. 1991, Section 155.1, which relates to tort claims relating to roads, streets, or highways; eliminating expiration date; clarifying certain responsibility; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 155.1, is amended to read as follows:

Section 155.1 Nothing contained in this act shall be construed as allowing an action or recovery against the state or any of ~~their~~ its officers or employees on a claim or cause of action founded upon any loss occurring from a defect or dangerous condition on any road, street or highway which was in existence, whether known or unknown:

1. On October 1, 1985; or

2. When an existing facility became or becomes a part of the state highway system; or

3. When an existing facility became or becomes the maintenance responsibility of the state, to the extent of that responsibility;

~~provided that this section shall be effective until 12:01 a.m., October 1, 1995~~ as required by law.

To the extent that the state is required by law to maintain a road, street, or highway within the territorial limits of a political subdivision, the political subdivision shall not be liable for any loss occurring from a defect or dangerous condition in the area required to be maintained by the state.

SECTION 2. 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.

44-1-6375

JAF