SHORT TITLE: Torts; extending deadline for filing claim under Governmental Tort Claims Act; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 158 By: Roberts

AS INTRODUCED

An Act relating to torts; amending 51 O.S. 1991, Section 157, as amended by Section 1, Chapter 374, O.S.L. 1994 (51 O.S. Supp. 1994, Section 157), which relates to denial of a claim under the Governmental Tort Claims Act; deleting statement that settlement negotiations do not extend date of denial; allowing parties to agree to extend time to commence certain action; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 157, as amended by Section 1, Chapter 374, O.S.L. 1994 (51 O.S. Supp. 1994, Section 157), is amended to read as follows:

Section 157. A. A person may not initiate a suit against the state or a political subdivision unless the claim has been denied in whole or in part. A claim is deemed denied if the state or political subdivision fails to approve the claim in its entirety within ninety (90) days, unless the state or political subdivision has denied the claim or reached a settlement with the claimant before the expiration of that period. If the state or a political subdivision approves or denies the claim in ninety (90) days or less, the state or political subdivision shall give notice within five (5) days of such action to the claimant at the address listed

in the claim. If the state or political subdivision fails to give the notice required by this subsection, the period for commencement of an action in subsection B of this section shall not begin until the expiration of the ninety-day period for approval. ~~The claimant and the state or political subdivision may continue attempts to settle a claim, however, settlement negotiations do not extend the date of denial.~~

B. No action for any cause arising under this act, Section 151 et seq. of this title, shall be maintained unless valid notice has been given and the action is commenced within one hundred eighty (180) days after denial of the claim as set forth in this section. ~~Neither the~~ The claimant ~~nor~~ and the state or political subdivision may agree in writing to extend the time to commence an action ~~by~~ for the purpose of continuing to attempt settlement of the claim.

SECTION 2. This act shall become effective November 1, 1995.

45-1-0026 KS