

SHORT TITLE: Torts; increasing statutes of limitations in  
Governmental Tort Claims Act; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 281

By: Shedrick

AS INTRODUCED

An Act relating to governmental tort claims; amending 51 O.S. 1991, Sections 156, as amended by Section 4, Chapter 285, O.S.L. 1992, and 157, as amended by Section 1, Chapter 374, O.S.L. 1994 (51 O.S. Supp. 1994, Sections 156 and 157), which relate to requirements for claims under the Governmental Tort Claims Act; extending certain statutes of limitations; modifying language; clarifying that certain settlement negotiations may extend periods of limitation; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 156, as amended by Section 4, Chapter 285, O.S.L. 1992 (51 O.S. Supp. 1994, 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 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 ~~one (1) year~~ of two (2) years after the date the loss occurs. A claim against the state or a political subdivision shall be forever barred unless notice thereof is presented within ~~one (1) year~~ two (2) years after the loss occurs.

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~~ Department of Central Services 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:

1. ~~the~~ The date, time, place, and circumstances of the claim~~;~~
2. ~~the~~ The identity of the state agency or agencies involved~~;~~
3. ~~the~~ The amount of compensation or other relief demanded~~;~~
4. ~~the~~ The name, address, and telephone number of the claimant~~;~~ and

5. ~~the~~ 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 the 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 giving rise to the claim 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~~ two (2) years 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~~ the person 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. 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~~ (1) year after denial of the claim as set forth in this section. ~~Neither the claimant nor the state or political~~

~~subdivision may extend the time to commence an action by continuing to attempt settlement of the claim.~~

SECTION 3. This act shall become effective November 1, 1995.

45-1-0437            KSM