

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2998

By: Ferguson

AS INTRODUCED

An Act relating to torts; providing immunity from civil liability for donors of money or goods in certain circumstances; providing exception; providing scope of application; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 32 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. Any person, partnership, corporation or association that in good faith, and without compensation or expectation of compensation, makes a donation of money or goods to any benevolent, philanthropic, eleemosynary, educational, social, civic, athletic, recreational or religious association or group, but does not have supervisory control over the activities of the group or association, shall not be liable for damages in a civil action:

1. For any personal injury sustained by a member of the group or association that occurs as a result of the activities of the group or association;

2. For any personal injury caused by a member of the group or association that occurs as a result of the activities of the group or association; or

3. For any property damage caused by a member of the group or association that occurs as a result of the activities of the group or association.

B. The immunity provided by this section shall not apply if the injury or damage is the result of the use of donated goods that were defective, if:

1. The injury or damage is wholly or partially due to the fact that the goods were defective; and

2. The donor knew or should have known that the goods were defective.

C. The provisions of this section shall apply to causes of action arising on or after November 1, 1998.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9037

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