STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1124 By: Pruitt of the Senate

and

Calvey of the House

AS INTRODUCED

An Act relating to civil actions; creating the Volunteer Professional Services Immunity Act and providing short title; providing for immunity from liability for certain volunteer professionals under certain circumstances; defining term; limiting applicability of immunity under certain circumstances; 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. This act shall be known and may be cited as the "Volunteer Professional Services Immunity Act".

B. Any volunteer professional shall be immune from liability in a civil action on the basis of any act or omission of the volunteer professional resulting in damage or injury if:

1. The volunteer professional was acting in good faith and, if licensed, the services provided were within the scope of the license of the volunteer professional;

2. The volunteer professional commits the act or omission in the course of providing professional services;

3. The damage or injury was not caused by gross negligence or willful and wanton misconduct by the volunteer professional; and

4. Before the volunteer professional provides professional services, the person receiving the services or, if that person is a

minor or otherwise legally incapacitated, the person's parent, conservator, legal guardian, or other person with legal responsibility for the care of the person signs a written statement that acknowledges:

a. that the volunteer professional is providing professional services that are not provided for or in expectation of compensation in excess of reimbursement for expenses incurred, and

b. the limitations on the recovery of damages from the volunteer professional in exchange for receiving the professional services.

C. For the purposes of this section, the term "volunteer professional" means a person who voluntarily provides professional services without compensation in excess of reimbursement for expenses incurred. A volunteer professional shall be a licensed physician, licensed physician's assistant, registered nurse, licensed advanced nurse practitioner or vocational nurse, licensed pharmacist, licensed podiatrist, licensed dentist or dental hygienist, licensed optometrist, licensed attorney, or licensed certified professional accountant or public accountant. A volunteer professional shall be engaged in the active practice of a profession or retired from a profession, if still eligible to provide professional services within this state.

D. The provisions of this section shall not affect the liability that any person may have which arises from the operation of a motor vehicle, watercraft, or aircraft in rendering the service, care, assistance, advice, or other benefit as a volunteer professional.

E. The immunity from civil liability provided by this section shall extend only to the actions taken by a person rendering the service, care, assistance, advice, or other benefit as a volunteer professional, and does not confer any immunity to any person for

actions taken by the volunteer professional prior to or after the rendering of the service, care, assistance, advice, or other benefit as a volunteer professional.

F. This section shall apply to all civil actions filed after the effective date of this act.

SECTION 2. This act shall become effective November 1, 2000.

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