

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____

By: Robinson

AS INTRODUCED

An Act relating to the Governmental Tort Claims Act; providing that the state and political subdivisions of this state are immune from liability for losses caused by certain failure or malfunction of computer software or computer devices; providing that no cause of action may be brought against the state, political subdivisions, officers, employees, and immune contractors for certain failure or malfunction of computer software or computer devices; requiring certain provision in contracts; providing that contracts will be construed in certain manner; providing for codification; and declaring an emergency.

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

SECTION 650. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 155.2 of Title 51, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection C of this section, the state or any political subdivision of the state shall have no liability for losses from any failure or malfunction occurring before December 31, 2005, which is caused directly or indirectly by the failure, of computer software or of any device containing a computer processor, to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times.

B. Except as provided in subsection C of this section, no claim or cause of action, including, without limitation, any civil action or action for declaratory of injunctive relief, whether arising out of contract or arising independent of contract, may be brought against the state or any political subdivision of the state or against an immune contractor or an officer or employee of the state

or a political subdivision on the basis that a computer or other information system that is owned or operated by any of those persons produced, calculated, or generated an incorrect date, regardless of the cause of the error. Any contract entered into by or on behalf of and in the capacity of this state, an immune contractor or an officer or employee of the state or any of its agencies or political subdivisions must include a provision that provides immunity to those persons for any breach of contract that is caused, directly or indirectly, by an incorrect date being produced, calculated, or generated by a computer or other information system that is owned or operated by any of those persons, regardless of the cause of the error. Any contract subject to the provisions of this section that is entered into on or after the effective date of this act, has the legal effect of including the immunity required by this section, and any provision of the contract which is in conflict with this section is void.

C. A claim may be brought pursuant to the Governmental Tort Claims Act for medical negligence caused, directly or indirectly, by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if the failure resulted in bodily injury or death.

D. As used in this section, "immune contractor" means an independent contractor providing, pursuant to contract, computer software or computer technical assistance to the state or a political subdivision of the state.

SECTION 1. 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.

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