

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2662

By: Miller (Doug)

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 158.1, which relates to insurance on state-owned vehicles and equipment; removing Oklahoma State Reformatory, Department of Corrections and Oklahoma State Penitentiary from list of agencies authorized to carry insurance; repealing 57 O.S. 2001, Section 553, which relates to Department of Corrections employee civil liability insurance or bond; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 158.1, is amended to read as follows:

Section 158.1 The Office of Public Affairs, State Department of Health, Department of Public Safety, Department of Mental Health and Substance Abuse Services, ~~Oklahoma State Reformatory, Department of Corrections, Oklahoma State Penitentiary,~~ and all other state departments and agencies not otherwise specifically authorized by law, are hereby authorized to carry insurance subject to the provisions of Section ~~25~~ 159.1 of this ~~act~~ title on vehicles, motorized machinery, or equipment owned and operated by said state departments or agencies included in this section, such insurance to be of the following kinds and not to exceed the following amounts:

1. Bodily injury liability, One Hundred Thousand Dollars (\$100,000.00) each person, Three Hundred Thousand Dollars (\$300,000.00) each accident;

2. Property damage liability, Fifty Thousand Dollars
(\$50,000.00) each accident;

3. Medical and hospital insurance, Five Thousand Dollars
(\$5,000.00).

Such insurance shall be on standard policy forms approved by the State Board for Property and Casualty Rates and with companies authorized to do business in Oklahoma, and shall be paid for out of administrative funds of said departments or state agencies purchasing the insurance. Such insurance shall cover not only the department or state agency purchasing the insurance but also the personal liability of the operator while said operator is performing official duties for the employing agency. The ownership, maintenance, operation, and use of motor vehicles and motorized movable equipment owned, leased, used, or operated by said departments or state agencies named in this section are hereby declared to be public governmental functions. An action for damages may be brought against said department or state agency, but the governmental immunity of said department or state agency shall be waived only to the extent of the amount of insurance purchased. Such department or state agency shall be liable for negligence only while such insurance is in force, but in no case in an amount exceeding the limits of coverage of any such insurance policy. No attempt shall be made in the trial of any action brought against any such department or state agency to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, and if the verdict rendered by the jury exceeds the limits of the applicable insurance, the court shall reduce the amount of said judgment or award to a sum equal to the applicable limits stated in the policy. To the extent that the insurer has provided indemnity in the contract of insurance to a department or state agency described in this section, the said insurer may not plead as a defense in any action involving insurance

purchased by the authority of this section, the governmental immunity of either the state or of any department or agency thereof purchasing insurance pursuant to this section. Venue of all actions provided for in this section shall be in the county of the residence of the plaintiff or where the cause of action arose, but summons may be served upon the director, head, or governing board or body of the department or state agency being sued and alleged to come within the purview of this section, wherever he may be found. If the State Insurance Fund of the state is hereafter authorized to write such insurance, then the state department or agency included in this section may obtain the insurance from the State Insurance Fund.

SECTION 2. REPEALER 57 O.S. 2001, Section 553, is hereby repealed.

SECTION 3. This act shall become effective November 1, 2002.

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