SB 73

THE STATE SENATE
Monday, February 26, 2001

Senate Bill No. 73

As Amended

SENATE BILL NO. 73 - By: HELTON of the Senate and ASKINS of the House.

[Governmental Tort Claims Act - modifying liability limit - effective date]

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 154, as last amended by Section 10, Chapter 351, O.S.L. 2000 (51 O.S. Supp. 2000, Section 154), is amended to read as follows:

Section 154. A. The total liability of the state and its political subdivisions on claims within the scope of ~~this act, Section 151 et seq. of this title~~ The Governmental Tort Claims Act, arising out of an accident or occurrence happening after the effective date of ~~this act, Section 151 et seq. of this title~~ The Governmental Tort Claims Act, shall not exceed:

1. Twenty-five Thousand Dollars ($25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence;

2. ~~Except as otherwise provided in this paragraph, One Hundred Twenty-five Thousand Dollars ($125,000.00)~~ Two Hundred Thousand Dollars ($200,000.00) to any claimant for ~~his~~ a claim for any other

(Bold face denotes Committee Amendments)

loss arising out of a single act, accident, or occurrence. ~~The limit of liability for the state or any city or county with a population of three hundred thousand (300,000) or more according to the latest federal Decennial Census shall not exceed One Hundred Seventy-five Thousand Dollars ($175,000.00). Except however, the~~ The limits of ~~said~~ liability for the University Hospitals and State Mental Health Hospitals operated by the Department of Mental Health and Substance Abuse Services for claims arising from medical negligence shall be Two Hundred Thousand Dollars ($200,000.00). For claims arising from medical negligence by any licensed physician, osteopathic physician or certified nurse-midwife rendering prenatal, delivery or infant care services from September 1, 1991, through June 30, 1996, pursuant to a contract authorized by subsection (b) of Section 1-106 of Title 63 of the Oklahoma Statutes and in conformity with the requirements of ~~Section 3 of this act~~ Section 1-233 of Title 63 of the Oklahoma Statutes, the limits of ~~said~~ liability shall be Two Hundred Thousand Dollars ($200,000.00); or

3. One Million Dollars ($1,000,000.00) for any number of claims arising out of a single occurrence or accident.

B. No award for damages in an action or any claim against the state or a political subdivision shall include punitive or exemplary damages.

C. When the amount awarded to or settled upon multiple claimants exceeds the limitations of this section, any party may apply to the district court which has jurisdiction of the cause to apportion to each claimant ~~his~~ a proper share of the total amount as limited herein. The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement made to ~~him~~ the claimant bears to the aggregate awards and settlements for all claims against the state or its political subdivisions arising out of the occurrence. When the amount of the aggregate losses presented by a single claimant exceeds the limits of paragraphs 1 or 2 of subsection A of this section, each person suffering a loss shall be entitled to ~~his~~ that person's proportionate share.

D. The total liability of resident physicians and interns while participating in a graduate medical education program of the University of Oklahoma College of Medicine, its affiliated institutions and the Oklahoma College of Osteopathic Medicine and Surgery shall not exceed One Hundred Thousand Dollars ($100,000.00).

E. The state or a political subdivision may petition the court that all parties and actions arising out of a single accident or occurrence shall be joined as provided by law, and upon order of the court the proceedings upon good cause shown shall be continued for a reasonable time or until such joinder has been completed. The state or political subdivision shall be allowed to interplead in any

action which may impose on it any duty or liability pursuant to this act.

F. The liability of the state or political subdivision under this act shall be several from that of any other person or entity, and the state or political subdivision shall only be liable for that percentage of total damages that corresponds to its percentage of total negligence. Nothing in this section shall be construed as increasing the liability limits imposed on the state or political subdivision under this act.

SECTION 2. This act shall become effective November 1, 2001.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-13-01 - DO PASS, As Amended and Coauthored.