

**AMENDMENT TO COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend amendment SB487 FULLPCS1  
Page 13 Section 3 Lines 17-1/2  
Of the printed Bill  
Of the Engrossed Bill

By inserting a new Section 3 to read as follows and renumbering subsequent sections:

(please see attached)

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Kris Steele

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 3. AMENDATORY 51 O.S. 2001, Section 158, as  
2 amended by Section 2, Chapter 102, O.S.L. 2006 (51 O.S. Supp. 2008,  
3 Section 158), is amended to read as follows:

4 Section 158. A. The state or a political subdivision, after  
5 conferring with authorized legal counsel, may settle or defend  
6 against a claim or suit brought against it or its employee under  
7 this act subject to any procedural requirements imposed by statute,  
8 ordinance, resolution or written policy, and may appropriate money  
9 for the payment of amounts agreed upon. When the amount of any  
10 settlement exceeds Twenty-five Thousand Dollars (\$25,000.00), and  
11 any payment required by the settlement will not be paid through an  
12 applicable contract or policy of insurance, the settlement shall not  
13 be effective until approved by the district court and entered as a  
14 judgment as provided by law.

15 B. Any settlement payout pursuant to this section may be  
16 structured in any manner as agreed to by the parties involved.

17 C. If a policy or contract of liability insurance covering the  
18 state or political subdivision or its employees is applicable, the  
19 terms of the policy govern the rights and obligations of the state  
20 or political subdivision and the insurer with respect to the  
21 investigation, settlement, payment and defense of claims or suits  
22 against the state or political subdivision or its employees covered  
23 by the policy. However, the insurer may not enter into a settlement  
24 for an amount which exceeds the insurance coverage without the

1 approval of the governing body of the state or political subdivision  
2 or its designated representative if the state or political  
3 subdivision is insured.

4 ~~E.~~ D. Nothing in this section shall be construed to repeal or  
5 modify Sections 361 through 365.6 and 435 of Title 62 of the  
6 Oklahoma Statutes and it is intended that this section be construed  
7 in conformance with those sections.

8 ~~D.~~ E. The state or a political subdivision shall not be liable  
9 for any costs, judgments or settlements paid through an applicable  
10 contract or policy of insurance but shall be entitled to set off  
11 those payments against liability arising from the same occurrence.

12 ~~E.~~ F. The state or a political subdivision shall have the right  
13 of subrogation against the insurer issuing any applicable contractor  
14 policy of insurance to the monetary limit of said policy of  
15 insurance or contract, if judgment or settlement of any claim  
16 arising pursuant to this act results in the imposition of monetary  
17 liability upon the state or the political subdivision.

18 ~~F.~~ G. Judgments, orders, and settlements of claims shall be  
19 open public records unless sealed by the court for good cause  
20 shown."

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