

1 ENGROSSED HOUSE  
2 BILL NO. 2890

By: Moore of the House

3 and

4 Aldridge of the Senate  
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8 An Act relating to officers; amending 51 O.S. 2001,  
9 Section 156, as last amended by Section 1, Chapter  
10 102, O.S.L. 2006 (51 O.S. Supp. 2009, Section 156),  
11 which relates to The Governmental Tort Claims Act;  
12 modifying information contained in notice of claim;  
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2001, Section 156, as last  
16 amended by Section 1, Chapter 102, O.S.L. 2006 (51 O.S. Supp. 2009,  
17 Section 156), is amended to read as follows:

18 Section 156. A. Any person having a claim against the state or  
19 a political subdivision within the scope of Section 151 et seq. of  
20 this title shall present a claim to the state or political  
21 subdivision for any appropriate relief including the award of money  
22 damages.

23 B. Except as provided in subsection H of this section, claims  
24 against the state or a political subdivision are to be presented

1 within one (1) year of the date the loss occurs. A claim against  
2 the state or a political subdivision shall be forever barred unless  
3 notice thereof is presented within one (1) year after the loss  
4 occurs.

5 C. A claim against the state shall be in writing and filed with  
6 the Office of the Risk Management Administrator of the Department of  
7 Central Services who shall immediately notify the Attorney General  
8 and the agency concerned and conduct a diligent investigation of the  
9 validity of the claim within the time specified for approval or  
10 denial of claims by Section 157 of this title. A claim may be filed  
11 by certified mail with return receipt requested. A claim which is  
12 mailed shall be considered filed upon receipt by the Office of the  
13 Risk Management Administrator.

14 D. A claim against a political subdivision shall be in writing  
15 and filed with the office of the clerk of the governing body.

16 E. The written notice of claim to the state or a political  
17 subdivision shall state the date, time, place and circumstances of  
18 the claim, the identity of the state agency or agencies involved,  
19 the amount of compensation or other relief demanded, the name,  
20 address and telephone number of the claimant, ~~and~~ the name, address  
21 and telephone number of any agent authorized to settle the claim,  
22 and any and all other information required to process the claim  
23 pursuant to state and federal law. Failure to state either the  
24 date, time, place and circumstances and amount of compensation

1 demanded shall not invalidate the notice unless the claimant  
2 declines or refuses to furnish such information after demand by the  
3 state or political subdivision. The time for giving written notice  
4 of claim pursuant to the provisions of this section does not include  
5 the time during which the person injured is unable due to  
6 incapacitation from the injury to give such notice, not exceeding  
7 ninety (90) days of incapacity.

8 F. When the claim is one for death by wrongful act or omission,  
9 notice may be presented by the personal representative within one  
10 (1) year after the death occurs. If the person for whose death the  
11 claim is made has presented notice that would have been sufficient  
12 had he lived, an action for wrongful death may be brought without  
13 any additional notice.

14 G. Claims and suits against resident physicians or interns  
15 shall be made in accordance with the provisions of Titles 12 and 76  
16 of the Oklahoma Statutes.

17 H. For purposes of claims based on wrongful felony conviction  
18 resulting in imprisonment provided for in Section 154 of this title,  
19 loss occurs on the date that the claimant receives a pardon based on  
20 actual innocence from the Governor or the date that the claimant  
21 receives judicial relief absolving the claimant of guilt based on  
22 actual innocence; provided, for persons whose basis for a claim  
23 occurred prior to the effective date of this act, the claim must be  
24 submitted within one (1) year after the effective date of this act.

1 SECTION 2. This act shall become effective November 1, 2010.

2 Passed the House of Representatives the 24th day of February,

3 2010.

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6 Presiding Officer of the House of  
Representatives

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8 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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11 Presiding Officer of the Senate