

THE HOUSE OF REPRESENTATIVES
Wednesday, February 17, 2010

House Bill No. 2890

HOUSE BILL NO. 2890 - By: MOORE of the House and ALDRIDGE of the Senate.

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

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

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

4 Section 156. A. Any person having a claim against the state or a political
5 subdivision within the scope of Section 151 et seq. of this title shall present a claim to the
6 state or political subdivision for any appropriate relief including the award of money
7 damages.

8 B. Except as provided in subsection H of this section, claims against the state or a
9 political subdivision are to be presented within one (1) year of the date the loss occurs. A
10 claim against the state or a political subdivision shall be forever barred unless notice
11 thereof is presented within one (1) year after the loss occurs.

12 C. A claim against the state shall be in writing and filed with the Office of the Risk
13 Management Administrator of the Department of Central Services who shall

1 immediately notify the Attorney General and the agency concerned and conduct a
2 diligent investigation of the validity of the claim within the time specified for approval or
3 denial of claims by Section 157 of this title. A claim may be filed by certified mail with
4 return receipt requested. A claim which is mailed shall be considered filed upon receipt
5 by the Office of the Risk Management Administrator.

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

8 E. The written notice of claim to the state or a political subdivision shall state the
9 date, time, place and circumstances of the claim, the identity of the state agency or
10 agencies involved, the amount of compensation or other relief demanded, the name,
11 address and telephone number of the claimant, ~~and~~ the name, address and telephone
12 number of any agent authorized to settle the claim, and any and all other information
13 required to process the claim pursuant to state and federal law. Failure to state either
14 the date, time, place and circumstances and amount of compensation demanded shall not
15 invalidate the notice unless the claimant declines or refuses to furnish such information
16 after demand by the state or political subdivision. The time for giving written notice of
17 claim pursuant to the provisions of this section does not include the time during which
18 the person injured is unable due to incapacitation from the injury to give such notice, not
19 exceeding ninety (90) days of incapacity.

20 F. When the claim is one for death by wrongful act or omission, notice may be
21 presented by the personal representative within one (1) year after the death occurs. If
22 the person for whose death the claim is made has presented notice that would have been

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 sufficient had he lived, an action for wrongful death may be brought without any
2 additional notice.

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

5 H. For purposes of claims based on wrongful felony conviction resulting in
6 imprisonment provided for in Section 154 of this title, loss occurs on the date that the
7 claimant receives a pardon based on actual innocence from the Governor or the date that
8 the claimant receives judicial relief absolving the claimant of guilt based on actual
9 innocence; provided, for persons whose basis for a claim occurred prior to the effective
10 date of this act, the claim must be submitted within one (1) year after the effective date
11 of this act.

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

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-16-10 - DO PASS,
14 As Coauthored.