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THE STATE SENATE  
Monday, April 5, 2010

ENGROSSED  
House Bill No. 2890  
As Amended

ENGROSSED HOUSE BILL NO. 2890 - By: Moore of the House and Aldridge of the Senate.

[ officers - The Governmental Tort Claims Act - notice of claim - effective date ]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

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

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

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

12 E. The written notice of claim to the state or a political  
13 subdivision shall state the date, time, place and circumstances of  
14 the claim, the identity of the state agency or agencies involved,  
15 the amount of compensation or other relief demanded, the name,  
16 address and telephone number of the claimant, ~~and~~ the name, address  
17 and telephone number of any agent authorized to settle the claim,  
18 and any and all other information required to process the claim  
19 pursuant to state and federal law. Failure to state either the  
20 date, time, place and circumstances and amount of compensation  
21 demanded shall not invalidate the notice unless the claimant  
22 declines or refuses to furnish such information after demand by the  
23 state or political subdivision. The time for giving written notice

1 of claim pursuant to the provisions of this section does not include  
2 the time during which the person injured is unable due to  
3 incapacitation from the injury to give such notice, not exceeding  
4 ninety (90) days of incapacity.

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-10 - DO  
24 PASS, As Amended.