

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3000

By: Steele

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5
6 AS INTRODUCED

7 An Act relating to The Governmental Tort Claims Act;
8 amending 51 O.S. 2001, Section 158, as last amended
9 by Section 3, Chapter 315, O.S.L. 2009 (51 O.S. Supp.
10 2009, Section 158), which relates to settlements;
11 clarifying language; and providing an effective date.

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

14 SECTION 1. AMENDATORY 51 O.S. 2001, Section 158, as last
15 amended by Section 3, Chapter 315, O.S.L. 2009 (51 O.S. Supp. 2009,
16 Section 158), is amended to read as follows:

17 Section 158. A. The state or a political subdivision, after
18 conferring with authorized legal counsel, may settle or defend
19 against a claim or suit brought against it or its employee under
20 ~~this act~~ The Governmental Tort Claims Act subject to any procedural
21 requirements imposed by statute, ordinance, resolution or written
22 policy, and may appropriate money for the payment of amounts agreed
23 upon. When the amount of any settlement exceeds Twenty-five
24 Thousand Dollars (\$25,000.00), and any payment required by the

1 settlement will not be paid through an applicable contract or policy
2 of insurance, the settlement shall not be effective until approved
3 by the district court and entered as a judgment as provided by law.

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

6 C. If a policy or contract of liability insurance covering the
7 state or political subdivision or its employees is applicable, the
8 terms of the policy govern the rights and obligations of the state
9 or political subdivision and the insurer with respect to the
10 investigation, settlement, payment and defense of claims or suits
11 against the state or political subdivision or its employees covered
12 by the policy. However, the insurer may not enter into a settlement
13 for an amount which exceeds the insurance coverage without the
14 approval of the governing body of the state or political subdivision
15 or its designated representative if the state or political
16 subdivision is insured.

17 D. Nothing in this section shall be construed to repeal or
18 modify Sections 361 through 365.6 and 435 of Title 62 of the
19 Oklahoma Statutes and it is intended that this section be construed
20 in conformance with those sections.

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

1 F. The state or a political subdivision shall have the right of
2 subrogation against the insurer issuing any applicable contractor
3 policy of insurance to the monetary limit of said policy of
4 insurance or contract, if judgment or settlement of any claim
5 arising pursuant to this act results in the imposition of monetary
6 liability upon the state or the political subdivision.

7 G. Judgments, orders, and settlements of claims shall be open
8 public records unless sealed by the court for good cause shown.

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

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11 52-2-8279 SD 01/12/10

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