

1 A. This act shall be known and may be cited as the "Space
2 Flight Liability and Immunity Act".

3 B. As used in the Space Flight Liability and Immunity Act:

4 1. "Launch vehicle" means a vehicle built to operate in, or
5 place a payload or humans in, outer space;

6 2. "Participant" means an individual space flight participant,
7 who is not an employee of the space flight entity, carried within a
8 launch vehicle or reentry vehicle;

9 3. "Participant injury" means any bodily injury, including
10 death, emotional injury, or property damage sustained by the
11 participant;

12 4. "Reentry vehicle" means a vehicle designed to return from
13 Earth orbit or outer space to Earth, or a reusable launch vehicle
14 designed to return from Earth orbit or outer space to Earth,
15 substantially intact;

16 5. "Space flight activities" means:

17 a. launch activities involved in the preparation of a
18 launch vehicle, payload, crew, crew training, or space
19 flight participant for launch,

20 b. reentry activities involved in the preparation of a
21 reentry vehicle and payload, crew, crew training, or
22 space flight participant, if any, for reentry, or

23 c. the conduct of a launch or a reentry; and
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1 6. "Space flight entity" means any public or private entity
2 holding, either directly or through a corporate subsidiary or
3 parent, a license, permit, or other authorization issued by the
4 United States Federal Aviation Administration pursuant to the
5 Commercial Space Launch Activities chapter (51 U.S.C. Section 50901
6 et seq.), including, but not limited to, a safety approval and a
7 payload determination. "Space flight entity" shall also include any
8 manufacturer or supplier of components, services, or vehicles that
9 have been reviewed by the United States Federal Aviation
10 Administration as part of issuing such a license, permit, or
11 authorization.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 352 of Title 3, unless there is
14 created a duplication in numbering, reads as follows:

15 A. Except as provided in subsection B of this section, a space
16 flight entity shall not be held liable for a participant injury
17 resulting from the risks of space flight activities, provided that
18 the participant has been informed of the risks of space flight
19 activities as required by federal law and the Space Flight Liability
20 and Immunity Act, and the participant has given informed consent
21 that the participant is voluntarily participating in space flight
22 activities after having been informed of the risks of those
23 activities as required by federal law and the Space Flight Liability
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1 and Immunity Act. Except as provided in subsection B of this
2 section, no:

3 1. Participant;

4 2. Participant's representative, including the heirs,
5 administrators, executors, assignees, next of kin, and estate of the
6 participant; or

7 3. Person who attempts to bring a claim on behalf of the
8 participant for a participant injury,

9 is authorized to maintain an action against or recover from a space
10 flight entity for a participant injury that results from the risks
11 of space flight activities.

12 B. Nothing in subsection A of this section shall prevent or
13 limit the liability of a space flight entity if the space flight
14 entity:

15 1. Commits an act or omission that constitutes gross negligence
16 evidencing willful or wanton disregard for the safety of the
17 participant, and that act or omission proximately causes a
18 participant injury; or

19 2. Intentionally causes a participant injury.

20 C. Any limitation on legal liability afforded by this section
21 to a space flight entity is in addition to any other limitations of
22 legal liability otherwise provided by law.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 353 of Title 3, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Every space flight entity providing space flight activities
5 to a participant shall have each participant sign the warning
6 statement specified in subsection B of this section.

7 B. The warning statement shall contain, at a minimum and in
8 addition to any language required by federal law, the following
9 statement:

10 "WARNING AND ACKNOWLEDGEMENT: I understand and acknowledge that,
11 under Oklahoma law, there is no civil liability for bodily injury,
12 including death, emotional injury, or property damage sustained by a
13 participant in space flight activities provided by a space flight
14 entity if such injury or damage results from the risks of the space
15 flight activity. I have given my informed consent to participate in
16 space flight activities after receiving a description of the risks
17 of space flight activities as required by federal law pursuant to 51
18 U.S.C. Section 50905 and 14 C.F.R. Section 460.45. The consent that
19 I have given acknowledges that the risks of space flight activities
20 include, but are not limited to, risks of bodily injury, including
21 death, emotional injury, and property damage. I understand and
22 acknowledge that I am participating in space flight activities at my
23 own risk. I have been given the opportunity to consult with an
24 attorney before signing this statement."

1 C. Failure to comply with the requirements concerning the
2 warning statement provided in this section shall prevent a space
3 flight entity from invoking the privileges of immunity provided by
4 the Space Flight Liability and Immunity Act.

5 SECTION 4. This act shall become effective November 1, 2013.

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7 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND AEROSPACE, dated
8 02/21/2013 - DO PASS, As Coauthored.
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