

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2325

By: Cleveland

4
5
6 AS INTRODUCED

7 An Act relating to torts; amending 76 O.S. 2011,
8 Section 33, which relates to civil immunity during a
9 time of emergency; permitting shelter to be provided;
10 providing for request from the federal government or
political subdivision thereof; including tornado as a
catastrophic act of nature; and providing an
effective date.

11
12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 76 O.S. 2011, Section 33, is
16 amended to read as follows:

17 Section 33. A. For the purposes of this section, "person"
18 means an individual, association, for-profit or nonprofit artificial
19 entity created under state law, religious organization, or
20 charitable organization.

21 B. Any person, or any agent of that person, who voluntarily and
22 without the expectation or receipt of compensation provides services
23 and, goods or shelter at any place in this state subject to the
24

1 order or control of, or pursuant to a request of, the state or
2 federal government or any political subdivision thereof:

3 1. In preparation for, anticipation of, or during a time of
4 emergency;

5 2. In a place of emergency, as declared by the Governor; and

6 3. For the benefit of any person or to prevent, minimize, or
7 repair injury or damage to the property of a person resulting from:

8 a. biological, chemical, or nuclear agents,

9 b. terrorism,

10 c. pandemic or epidemic of infectious disease,

11 d. catastrophic acts of nature, including but not limited
12 to fire, flood, earthquake, tornado, wind, storm, or
13 wave action, or

14 e. any other emergency situation as declared by the
15 Governor by executive order under Oklahoma law,

16 shall not be liable to any person receiving assistance as a result
17 of any act or omission in rendering the service if the person was
18 acting in good faith and the damage or injury was not caused by the
19 willful or wanton negligence or misconduct of the person.

20 C. The immunity from liability provided in subsection B of this
21 section shall:

22 1. Not apply to any person, or any employee or agent thereof,
23 whose act or omission caused in whole or in part the actual or
24

1 imminent disaster or emergency, or whose act or omission
2 necessitated emergency management measures; and

3 2. Only apply to a person for such person's act or omission
4 that directly relates to preparation for, anticipation of, or
5 responding to an emergency. For purposes of this paragraph,
6 "directly relates to" means providing goods ~~or~~, services or shelter
7 pursuant to a request of an official or employee of state or federal
8 government, or any political subdivision thereof, who is authorized
9 to make such a request.

10 D. This section shall apply to all civil actions filed on or
11 after November 1, 2009.

12 E. Nothing contained in this section shall amend, repeal,
13 alter, or affect any other immunity or limitation of liability
14 provided for under Oklahoma law.

15 SECTION 2. This act shall become effective November 1, 2014.

16

17 54-2-8143 EK 10/22/13

18

19

20

21

22

23

24