ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 1681 By: Grau of the House

and

Holt of the Senate

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2011, Section 153, as amended by Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp. 2014, Section 153), which relates to the scope of liability pursuant to The Governmental Tort Claims Act; providing requirements for certain actions; prohibiting inclusion of certain persons as defendants; and declaring an emergency.

AMENDMENT NO. 1. Page 2, line 22, after the word "defendant" and before the period ".", add the words "; provided, however, such person may be named as defendant under alternative allegations that such person did not act within the scope of employment"

AMENDMENT NO. 2. Restore the emergency clause

AMENDMENT NO. 3. Restore the title to read

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2011, Section 153, as amended by Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp. 2014, Section 153), which relates to the scope of liability pursuant to The Governmental Tort Claims Act; providing requirements for certain actions; prohibiting inclusion of certain persons as defendants; providing exception; and declaring an emergency.

Passed the Senate the 21st day of April, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House
of Representatives

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An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2011, Section 153, as amended by Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp. 2014, Section 153), which relates to the scope of liability pursuant to The Governmental Tort Claims Act; providing requirements for certain actions; prohibiting inclusion of certain persons as defendants; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 2011, Section 153, as amended by Section 2, Chapter 77, O.S.L. 2014 (51 O.S. Supp. 2014, Section 153), is amended to read as follows:

Section 153. A. The state or a political subdivision shall be liable for loss resulting from its torts or the torts of its employees acting within the scope of their employment subject to the limitations and exceptions specified in The Governmental Tort Claims Act and only where the state or political subdivision, if a private person or entity, would be liable for money damages under the laws of this state. The state or a political subdivision shall not be

liable under the provisions of The Governmental Tort Claims Act for any act or omission of an employee acting outside the scope of the employee's employment.

B. The liability of the state or political subdivision under The Governmental Tort Claims Act shall be exclusive and shall constitute the extent of tort liability of the state, a political subdivision or employee arising from common law, statute, the Oklahoma Constitution, or otherwise. If a court of competent jurisdiction finds tort liability on the part of the state or a political subdivision of the state based on a provision of the Oklahoma Constitution or state law other than The Governmental Tort Claims Act, the limits of liability provided for in The Governmental Tort Claims Act shall apply.

C. If an action is commenced alleging tort liability on the part of the state or a political subdivision of the state or an employee of the state or of a political subdivision of the state based on a provision of the Oklahoma Constitution or state law other than The Governmental Tort Claims Act, the action shall name as defendant the state or political subdivision against which liability is sought to be established. In no instance in any such action shall an employee of the state or of a political subdivision of the state acting within the scope of employment be named as defendant.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 9th day of March, 2015.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2015.

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Presiding Officer of the Senate