

1 ENGROSSED HOUSE
2 BILL NO. 1882

By: Russ of the House

3 and

4 Schulz of the Senate
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7 An Act relating to space flight; creating the Space
8 Flight Liability and Immunity Act; defining terms;
9 limiting liability of space flight entity if injury
10 results from risk of space flight activities;
11 requiring participant to be informed of risks;
12 prohibiting recovery action by certain individuals;
13 proscribing limitation of liability in certain cases;
14 mandating participant sign warning statement; setting
15 minimum language for warning statement; requiring
16 compliance with warning statement procedures in order
17 to invoke immunity; providing for codification; and
18 providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 351 of Title 3, unless there is
created a duplication in numbering, reads as follows:

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

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

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

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

4 3. "Participant injury" means any bodily injury, including
5 death, emotional injury, or property damage sustained by the
6 participant;

7 4. "Reentry vehicle" means a vehicle designed to return from
8 Earth orbit or outer space to Earth, or a reusable launch vehicle
9 designed to return from Earth orbit or outer space to Earth,
10 substantially intact;

11 5. "Space flight activities" means:

- 12 a. launch activities involved in the preparation of a
13 launch vehicle, payload, crew, crew training, or space
14 flight participant for launch,
- 15 b. reentry activities involved in the preparation of a
16 reentry vehicle and payload, crew, crew training, or
17 space flight participant, if any, for reentry, or
- 18 c. the conduct of a launch or a reentry; and

19 6. "Space flight entity" means any public or private entity
20 holding, either directly or through a corporate subsidiary or
21 parent, a license, permit, or other authorization issued by the
22 United States Federal Aviation Administration pursuant to the
23 Commercial Space Launch Activities chapter (51 U.S.C. Section 50901
24 et seq.), including, but not limited to, a safety approval and a

1 payload determination. "Space flight entity" shall also include any
2 manufacturer or supplier of components, services, or vehicles that
3 have been reviewed by the United States Federal Aviation
4 Administration as part of issuing such a license, permit, or
5 authorization.

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

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

20 1. Participant;

21 2. Participant's representative, including the heirs,
22 administrators, executors, assignees, next of kin, and estate of the
23 participant; or
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1 3. Person who attempts to bring a claim on behalf of the
2 participant for a participant injury,
3 is authorized to maintain an action against or recover from a space
4 flight entity for a participant injury that results from the risks
5 of space flight activities.

6 B. Nothing in subsection A of this section shall prevent or
7 limit the liability of a space flight entity if the space flight
8 entity:

9 1. Commits an act or omission that constitutes gross negligence
10 evidencing willful or wanton disregard for the safety of the
11 participant, and that act or omission proximately causes a
12 participant injury; or

13 2. Intentionally causes a participant injury.

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

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

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

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

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

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

23 SECTION 4. This act shall become effective November 1, 2013.
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1 Passed the House of Representatives the 4th day of March, 2013.

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3 Presiding Officer of the House
4 of Representatives

5 Passed the Senate the ____ day of _____, 2013.

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7 Presiding Officer of the Senate