

An Act

ENROLLED HOUSE
BILL NO. 1882

By: Russ of the House

and

Schulz of the Senate

An Act relating to space flight; creating the Space Flight Liability and Immunity Act; defining terms; limiting liability of space flight entity if injury results from risk of space flight activities; requiring participant to be informed of risks; prohibiting recovery action by certain individuals; proscribing limitation of liability in certain cases; mandating participant sign warning statement; setting minimum language for warning statement; requiring compliance with warning statement procedures in order to invoke immunity; providing for codification; and providing an effective date.

SUBJECT: Space Flight Liability and Immunity Act

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;

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

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

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

5. "Space flight activities" means:

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

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

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

A. Except as provided in subsection B of this section, a space flight entity shall not be held liable for a participant injury resulting from the risks of space flight activities, provided that the participant has been informed of the risks of space flight

activities as required by federal law and the Space Flight Liability and Immunity Act, and the participant has given informed consent that the participant is voluntarily participating in space flight activities after having been informed of the risks of those activities as required by federal law and the Space Flight Liability and Immunity Act. Except as provided in subsection B of this section, no:

1. Participant;

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

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

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

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

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

2. Intentionally causes a participant injury.

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

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

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

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

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

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

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

Passed the House of Representatives the 4th day of March, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____