

1 **SENATE FLOOR VERSION**

2 March 19, 2013

3 ENGROSSED HOUSE
4 BILL NO. 1882

By: Russ of the House

and

Schulz of the Senate

5
6
7
8
9 An Act relating to space flight; creating the Space
10 Flight Liability and Immunity Act; defining terms;
11 limiting liability of space flight entity if injury
12 results from risk of space flight activities;
13 requiring participant to be informed of risks;
14 prohibiting recovery action by certain individuals;
15 proscribing limitation of liability in certain cases;
16 mandating participant sign warning statement; setting
17 minimum language for warning statement; requiring
18 compliance with warning statement procedures in order
19 to invoke immunity; providing for codification; and
20 providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 351 of Title 3, unless there is
24 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 1. "Launch vehicle" means a vehicle built to operate in, or
2 place a payload or humans in, outer space;

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

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

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

13 5. "Space flight activities" means:

14 a. launch activities involved in the preparation of a
15 launch vehicle, payload, crew, crew training, or space
16 flight participant for launch,

17 b. reentry activities involved in the preparation of a
18 reentry vehicle and payload, crew, crew training, or
19 space flight participant, if any, for reentry, or

20 c. the conduct of a launch or a reentry; and

21 6. "Space flight entity" means any public or private entity
22 holding, either directly or through a corporate subsidiary or
23 parent, a license, permit, or other authorization issued by the
24 United States Federal Aviation Administration pursuant to the

1 Commercial Space Launch Activities chapter (51 U.S.C. Section 50901
2 et seq.), including, but not limited to, a safety approval and a
3 payload determination. "Space flight entity" shall also include any
4 manufacturer or supplier of components, services, or vehicles that
5 have been reviewed by the United States Federal Aviation
6 Administration as part of issuing such a license, permit, or
7 authorization.

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

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

22 1. Participant;
23
24

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

4 3. Person who attempts to bring a claim on behalf of the
5 participant for a participant injury,
6 is authorized to maintain an action against or recover from a space
7 flight entity for a participant injury that results from the risks
8 of space flight activities.

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

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

16 2. Intentionally causes a participant injury.

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

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

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

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

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

22 C. Failure to comply with the requirements concerning the
23 warning statement provided in this section shall prevent a space
24

1 flight entity from invoking the privileges of immunity provided by
2 the Space Flight Liability and Immunity Act.

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
5 March 19, 2013 - DO PASS
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24