

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 1018

By: Standridge

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5  
6 AS INTRODUCED

7 An Act relating to the Governmental Tort Claims Act;  
8 amending 51 O.S. 2011, Section 153, as last amended  
9 by Section 1, Chapter 308, O.S.L. 2015 (51 O.S. Supp.  
10 2020, Section 153), which relates to liability;  
11 authorizing cause of action for damage caused by  
12 certain failure; and providing an effective date.

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

14 SECTION 1. AMENDATORY 51 O.S. 2011, Section 153, as last  
15 amended by Section 1, Chapter 308, O.S.L. 2015 (51 O.S. Supp. 2020,  
16 Section 153), is amended to read as follows:

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

1 any act or omission of an employee acting outside the scope of the  
2 employee's employment.

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

13 C. If an action is commenced alleging tort liability on the  
14 part of the state or a political subdivision of the state or an  
15 employee of the state or of a political subdivision of the state  
16 based on a provision of the Oklahoma Constitution or state law other  
17 than The Governmental Tort Claims Act, the action shall name as  
18 defendant the state or political subdivision against which liability  
19 is sought to be established. In no instance in any such action  
20 shall an employee of the state or of a political subdivision of the  
21 state acting within the scope of employment be named as defendant;  
22 provided, however, such person may be named as defendant under  
23 alternative allegations that such person did not act within the  
24 scope of employment.

1        D. A person may bring an action against the state or a  
2 political subdivision of the state for failure to enforce a law of  
3 this state without good cause, and such failure of enforcement  
4 causes bodily, property or financial damage to the person.

5        SECTION 2. This act shall become effective November 1, 2021.

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