

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1638 _____
 _____ Of the printed Bill
 Page _____ Section _____ Lines _____
 _____ Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Osburn

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1638

By: Sneed

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to The Governmental Tort Claims Act;
9 amending 51 O.S. 2021, Section 152, as last amended
10 by Section 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp.
11 2025, Section 152), which relates to definitions;
12 expanding scope of certain definition; and providing
13 an effective date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2021, Section 152, as last
16 amended by Section 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp. 2025,
17 Section 152), is amended to read as follows:

18 Section 152. As used in The Governmental Tort Claims Act:

19 1. "Action" means a proceeding in a court of competent
20 jurisdiction by which one party brings a suit against another;

21 2. "Agency" means any board, commission, committee, department
22 or other instrumentality or entity designated to act in behalf of
23 the state or a political subdivision;

24 3. "Charitable health care provider" means a person who is
licensed, certified, or otherwise authorized by the laws of this

1 state to administer health care in the ordinary course of business
2 or the practice of a profession and who provides care to a medically
3 indigent person, as defined in paragraph 9 of this section, with no
4 expectation of or acceptance of compensation of any kind;

5 4. "Claim" means any written demand presented by a claimant or
6 the claimant's authorized representative in accordance with The
7 Governmental Tort Claims Act to recover money from the state or
8 political subdivision as compensation for an act or omission of a
9 political subdivision or the state or an employee;

10 5. "Claimant" means the person or the person's authorized
11 representative who files notice of a claim in accordance with The
12 Governmental Tort Claims Act. Only the following persons and no
13 others may be claimants:

14 a. any person holding an interest in real or personal
15 property which suffers a loss, provided that the claim
16 of the person shall be aggregated with claims of all
17 other persons holding an interest in the property and
18 the claims of all other persons which are derivative
19 of the loss, and that multiple claimants shall be
20 considered a single claimant,

21 b. the individual actually involved in the accident or
22 occurrence who suffers a loss, provided that the
23 individual shall aggregate in the claim the losses of
24 all other persons which are derivative of the loss, or

1 c. in the case of death, an administrator, special
2 administrator or a personal representative who shall
3 aggregate in the claim all losses of all persons which
4 are derivative of the death;

5 6. "Community health care provider" means:

6 a. a health care provider who volunteers services at a
7 community health center that has been deemed by the
8 U.S. Department of Health and Human Services as a
9 federally qualified health center as defined by 42
10 U.S.C., Section 1396d(1)(2)(B),

11 b. a health provider who provides services to an
12 organization that has been deemed a federally
13 qualified look-alike community health center, and

14 c. a health care provider who provides services to a
15 community health center that has made application to
16 the U.S. Department of Health and Human Services for
17 approval and deeming as a federally qualified look-
18 alike community health center in compliance with
19 federal application guidance, and has received
20 comments from the U.S. Department of Health and Human
21 Services as to the status of such application with the
22 established intent of resubmitting a modified
23 application, or, if denied, a new application, no
24 later than six (6) months from the date of the

1 official notification from the U.S. Department of
2 Health and Human Services requiring resubmission of a
3 new application;

4 7. "Employee" means any person who is authorized to act in
5 behalf of a political subdivision or the state whether that person
6 is acting on a permanent or temporary basis, with or without being
7 compensated or on a full-time or part-time basis.

8 a. Employee also includes:

9 (1) all elected or appointed officers, members of
10 governing bodies and other persons designated to
11 act for an agency or political subdivision, but
12 the term does not mean a person or other legal
13 entity while acting in the capacity of an
14 independent contractor or an employee of an
15 independent contractor,

16 (2) from September 1, 1991, through June 30, 1996,
17 licensed physicians, licensed osteopathic
18 physicians and Certified Nurse-Midwives providing
19 prenatal, delivery or infant care services to
20 State Department of Health clients pursuant to a
21 contract entered into with the State Department
22 of Health in accordance with paragraph 3 of
23 subsection C of Section 1-106 of Title 63 of the
24 Oklahoma Statutes but only insofar as services

1 authorized by and in conformity with the terms of
2 the contract and the requirements of Section 1-
3 233 of Title 63 of the Oklahoma Statutes, and
4 (3) any volunteer, full-time or part-time firefighter
5 when performing duties for a fire department
6 provided for in subparagraph j of paragraph 12 of
7 this section.

8 b. For the purposes of The Governmental Tort Claims Act,
9 the following are employees of this state, regardless
10 of the place in this state where duties as employees
11 are performed:

- 12 (1) physicians acting in an administrative capacity,
13 (2) resident physicians and resident interns
14 participating in a graduate medical education
15 program of the University of Oklahoma Health
16 Sciences Center, the Oklahoma State University
17 College of Osteopathic Medicine, a public trust
18 created pursuant to Section 3224 of Title 63 of
19 the Oklahoma Statutes and any sole member not-
20 for-profit corporation of the public trust and
21 any sole member not-for-profit subsidiary of such
22 corporation, or the Department of Mental Health
23 and Substance Abuse Services,
24

- 1 (3) faculty members and staff of the University of
2 Oklahoma Health Sciences Center, the Oklahoma
3 State University College of Osteopathic Medicine,
4 or a public trust created pursuant to Section
5 3224 of Title 63 of the Oklahoma Statutes and any
6 sole member not-for-profit corporation of the
7 public trust and any sole member not-for-profit
8 subsidiary of such corporation, while engaged in
9 teaching duties,
- 10 (4) physicians who practice medicine or act in an
11 administrative capacity as an employee of an
12 agency of this state,
- 13 (5) physicians who provide medical care to inmates
14 pursuant to a contract with the Department of
15 Corrections,
- 16 (6) any person who is licensed to practice medicine
17 pursuant to Title 59 of the Oklahoma Statutes,
18 who is under an administrative professional
19 services contract with the Oklahoma Health Care
20 Authority under the auspices of the Oklahoma
21 Health Care Authority Chief Medical Officer, and
22 who is limited to performing administrative
23 duties such as professional guidance for medical
24 reviews, reimbursement rates, service

1 utilization, health care delivery and benefit
2 design for the Oklahoma Health Care Authority,
3 only while acting within the scope of such
4 contract,

5 (7) licensed medical professionals under contract
6 with city, county, or state entities who provide
7 medical care to inmates or detainees in the
8 custody or control of law enforcement agencies,

9 (8) licensed mental health professionals as defined
10 in Sections 1-103 and 5-502 of Title 43A of the
11 Oklahoma Statutes, who are conducting initial
12 examinations of individuals for the purpose of
13 determining whether an individual meets the
14 criteria for emergency detention as part of a
15 contract with the Department of Mental Health and
16 Substance Abuse Services, and

17 (9) licensed mental health professionals as defined
18 in Sections 1-103 and 5-502 of Title 43A of the
19 Oklahoma Statutes, who are providing mental
20 health or substance abuse treatment services
21 under a professional services contract with the
22 Department of Mental Health and Substance Abuse
23 Services and are providing such treatment
24 services at a state-operated facility.

1 Physician faculty members and physician staff of the
2 University of Oklahoma Health Sciences Center, the
3 Oklahoma State University College of Osteopathic
4 Medicine, or a public trust created pursuant to
5 Section 3224 of Title 63 of the Oklahoma Statutes and
6 any sole member not-for-profit corporation of the
7 public trust and any sole member not-for-profit
8 subsidiary of such corporation not acting in an
9 administrative capacity or engaged in teaching duties
10 are not employees or agents of the state.

11 c. For the purposes of The Governmental Tort Claims Act,
12 employee shall include independent contractors and
13 employees of independent contractors while actively
14 engaged in the transport of individuals in need of
15 initial assessment, emergency detention, or protective
16 custody as authorized by Section 1-110 of Title 43A of
17 the Oklahoma Statutes.

18 d. Except as provided in subparagraph b of this
19 paragraph, in no event shall the state be held liable
20 for the tortious conduct of any physician, resident
21 physician or intern while practicing medicine or
22 providing medical treatment to patients.

23 e. For purposes of The Governmental Tort Claims Act,
24 members of the state military forces on state active

1 duty orders or on Title 32 active duty orders are
2 employees of this state, regardless of the place,
3 within or outside this state, where their duties as
4 employees are performed;

5 8. "Loss" means death or injury to the body or rights of a
6 person or damage to real or personal property or rights therein;

7 9. "Medically indigent" means a person requiring medically
8 necessary hospital or other health care services for the person or
9 the dependents of the person who has no public or private third-
10 party coverage, and whose personal resources are insufficient to
11 provide for needed health care;

12 10. "Municipality" means any incorporated city or town, and all
13 institutions, agencies or instrumentalities of a municipality;

14 11. "Occurrence" means a loss arising out of an accident or
15 event or a continuous or repeated exposure to substantially the same
16 general harmful conditions. All losses arising out of an accident
17 or event or a continuous or repeated exposure to substantially the
18 same general harmful conditions shall be deemed to have arisen out
19 of one occurrence;

20 12. "Political subdivision" means:

21 a. a municipality,

22 b. a school district, including, but not limited to, a
23 technology center school district established pursuant
24 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of

1 the Oklahoma Statutes, or a public library as defined
2 pursuant to Section 1-104 of Title 65 of the Oklahoma
3 Statutes,

4 c. a county,

5 d. a public trust where the sole beneficiary or
6 beneficiaries are a city, town, school district or
7 county. For purposes of The Governmental Tort Claims
8 Act, a public trust shall include:

9 (1) a municipal hospital created pursuant to Sections
10 30-101 through 30-109 of Title 11 of the Oklahoma
11 Statutes, a county hospital created pursuant to
12 Sections 781 through 796 of Title 19 of the
13 Oklahoma Statutes, or is created pursuant to a
14 joint agreement between such governing
15 authorities, that is operated for the public
16 benefit by a public trust created pursuant to
17 Sections 176 through 180.4 of Title 60 of the
18 Oklahoma Statutes and managed by a governing
19 board appointed or elected by the municipality,
20 county, or both, who exercises control of the
21 hospital, subject to the approval of the
22 governing body of the municipality, county, or
23 both,

24

1 (2) a public trust created pursuant to Sections 176
2 through 180.4 of Title 60 of the Oklahoma
3 Statutes after January 1, 2009, the primary
4 purpose of which is to own, manage, or operate a
5 public acute care hospital in this state that
6 serves as a teaching hospital for a medical
7 residency program provided by a college of
8 osteopathic medicine and provides care to
9 indigent persons, ~~and~~

10 (3) a public trust created pursuant to Section 176 et
11 seq. of Title 60 of the Oklahoma Statutes, in
12 whole or in part, to operate, administer, or
13 oversee any county jail facility, and

14 (4) a corporation in which all of the capital stock
15 is owned, or a limited liability company in which
16 all of the member interest is owned, by a public
17 trust,

18 e. for the purposes of The Governmental Tort Claims Act
19 only, a housing authority created pursuant to the
20 provisions of the Oklahoma Housing Authorities Act,

21 f. for the purposes of The Governmental Tort Claims Act
22 only, corporations organized not for profit pursuant
23 to the provisions of the Oklahoma General Corporation
24 Act for the primary purpose of developing and

1 providing rural water supply and sewage disposal
2 facilities to serve rural residents,

3 g. for the purposes of The Governmental Tort Claims Act
4 only, districts formed pursuant to the Rural Water,
5 Sewer, Gas and Solid Waste Management Districts Act,

6 h. for the purposes of The Governmental Tort Claims Act
7 only, master conservancy districts formed pursuant to
8 the Conservancy Act of Oklahoma,

9 i. for the purposes of The Governmental Tort Claims Act
10 only, a fire protection district created pursuant to
11 the provisions of Section 901.1 et seq. of Title 19 of
12 the Oklahoma Statutes,

13 j. for the purposes of The Governmental Tort Claims Act
14 only, a benevolent or charitable corporate volunteer
15 or full-time fire department for an unincorporated
16 area created pursuant to the provisions of Section 592
17 et seq. of Title 18 of the Oklahoma Statutes,

18 k. for purposes of The Governmental Tort Claims Act only,
19 an emergency services provider rendering services
20 pursuant to an existing contract between the emergency
21 services provider and the State Department of Health.
22 Provided, however, that the acquisition of commercial
23 liability insurance covering the activities of such
24 emergency services provider performed within this

1 state shall not operate as a waiver of any of the
2 limitations, immunities or defenses provided for
3 political subdivisions pursuant to the terms of The
4 Governmental Tort Claims Act,

5 l. for purposes of The Governmental Tort Claims Act only,
6 a conservation district created pursuant to the
7 provisions of the Conservation District Act,

8 m. for purposes of The Governmental Tort Claims Act,
9 districts formed pursuant to the Oklahoma Irrigation
10 District Act,

11 n. for purposes of The Governmental Tort Claims Act only,
12 any community action agency established pursuant to
13 Sections 5035 through 5040.1 of Title 74 of the
14 Oklahoma Statutes,

15 o. for purposes of The Governmental Tort Claims Act only,
16 any organization that is designated as a youth
17 services agency, pursuant to Section 2-7-306 of Title
18 10A of the Oklahoma Statutes,

19 p. for purposes of The Governmental Tort Claims Act only,
20 any judge presiding over a drug court, as defined by
21 Section 471.1 of Title 22 of the Oklahoma Statutes,

22 q. for purposes of The Governmental Tort Claims Act only,
23 any child-placing agency licensed by this state to
24 place children in foster family homes,

1 r. for purposes of The Governmental Tort Claims Act only,
2 a circuit engineering district created pursuant to
3 Section 687.1 of Title 69 of the Oklahoma Statutes,
4 s. for purposes of The Governmental Tort Claims Act only,
5 a substate planning district, regional council of
6 government or other entity created pursuant to Section
7 1001 et seq. of Title 74 of the Oklahoma Statutes, and
8 t. for purposes of The Governmental Tort Claims Act only,
9 a regional transportation authority created pursuant
10 to Section 1370.7 of Title 68 of the Oklahoma Statutes
11 including its contract operator and any railroad
12 operating in interstate commerce that sells a property
13 interest or provides services to a regional
14 transportation authority or allows the authority to
15 use the property or tracks of the railroad for the
16 provision of public passenger rail service to the
17 extent claims against the contract operator or
18 railroad arise out of or are related to or in
19 connection with such property interest, services or
20 operation of the public passenger rail service.
21 Provided, the acquisition of commercial liability
22 insurance to cover the activities of the regional
23 transportation authority, contract operator or
24 railroad shall not operate as a waiver of any

1 liabilities, immunities or defenses provided pursuant
2 to the provisions of The Governmental Tort Claims Act,
3 and all their institutions, instrumentalities or agencies;

4 13. "Scope of employment" means performance by an employee
5 acting in good faith within the duties of the employee's office or
6 employment or of tasks lawfully assigned by a competent authority
7 including the operation or use of an agency vehicle or equipment
8 with actual or implied consent of the supervisor of the employee,
9 but shall not include corruption or fraud;

10 14. "State" means the State of Oklahoma or any office,
11 department, agency, authority, commission, board, institution,
12 hospital, college, university, public trust created pursuant to
13 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
14 the beneficiary, or other instrumentality thereof;

15 15. "State active duty" shall be defined in accordance with
16 Section 801 of Title 44 of the Oklahoma Statutes;

17 16. "State military forces" shall be defined in accordance with
18 Section 801 of Title 44 of the Oklahoma Statutes;

19 17. "Title 32 active duty" shall be defined in accordance with
20 Section 801 of Title 44 of the Oklahoma Statutes; and

21 18. "Tort" means a legal wrong, independent of contract,
22 involving violation of a duty imposed by general law, statute, the
23 Oklahoma Constitution, or otherwise, resulting in a loss to any
24 person, association or corporation as the proximate result of an act

1 or omission of a political subdivision or the state or an employee
2 acting within the scope of employment; provided, however, a tort
3 shall not include a claim for inverse condemnation.

4 SECTION 2. This act shall become effective November 1, 2026.

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6 60-2-16835 GRS 02/27/26

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