

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 4425

By: Hilbert

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9 POLICY COMMITTEE RECOMMENDATION

10 An Act relating to torts; amending 76 O.S. 2021,
11 Section 31, which relates to immunity from civil
12 liability for volunteers, charitable organizations,
13 and not-for-profit corporations; adding employees of
14 charitable organizations to immunity; creating
15 immunity for charitable organizations, volunteers,
16 and employees of charitable organizations for
17 disclosing sexually inappropriate conduct with a
18 minor to other charitable organizations or not-for-
19 profits under certain conditions; creating a
20 presumption of good faith if disclosure was made in
21 compliance with a reporting policy; excluding self-
22 reporting from immunity protections; clarifying
23 effect of immunity for volunteers; providing
24 effective date for change; and providing an effective
date.

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

SECTION 1. AMENDATORY 76 O.S. 2021, Section 31, is
amended to read as follows:

1 Section 31. A. Any employee of a charitable organization or
2 volunteer shall be immune from liability in a civil action on the
3 basis of any act or omission of the employee of a charitable
4 organization or volunteer resulting in damage or injury if:

5 1. The employee of a charitable organization or volunteer was
6 acting in good faith and within the scope of the employee's or
7 volunteer's official functions and duties for a charitable
8 organization or not-for-profit corporation; and

9 2. The damage or injury was not caused by gross negligence or
10 willful and wanton misconduct by the employee or volunteer.

11 B. In any civil action against a charitable organization or
12 not-for-profit corporation for damages based upon the conduct of
13 employee of a charitable organization or a volunteer, the doctrine
14 of respondeat superior shall apply, notwithstanding the immunity
15 granted to the employee or volunteer in subsection A of this
16 section.

17 C. 1. Any charitable organization, volunteer, or employee of a
18 charitable organization shall be immune from liability in a civil
19 action for any act to disclose sexually inappropriate conduct with a
20 minor by the charitable organization, volunteer, or employee of a
21 charitable organization resulting in breach of contract, damages, or
22 injury if the charitable organization, volunteer, or employee of a
23 charitable organization:

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- 1 a. was acting in good faith in the disclosure of sexually
2 inappropriate conduct with a minor to another
3 charitable organization or not-for-profit,
- 4 b. the person who had sexually inappropriate conduct with
5 a minor was or is an employee or volunteer of the
6 disclosing charitable organization,
- 7 c. the disclosure was made in relation to the person's
8 current or prospective employment or volunteering with
9 the disclosed to charitable organization or not-for-
10 profit, and
- 11 d. reported the sexually inappropriate conduct with a
12 minor to a law enforcement agency and the Department
13 of Human Services within twenty-four (24) hours of
14 becoming aware of the sexually inappropriate conduct
15 with a minor.

16 2. A presumption of good faith shall arise if the disclosure
17 provided for in subparagraph a of paragraph 1 of this subsection was
18 made in compliance with a reporting policy adopted by the disclosing
19 charitable organization. The reporting policy shall include, but
20 not be limited to, defining actions or behaviors constituting
21 sexually inappropriate conduct with a minor.

22 3. The immunity provided for in this subsection shall not apply
23 to an individual disclosing his or her own conduct that constitutes
24 sexually inappropriate conduct with a minor.

1 D. Any person who, in good faith and without compensation, or
2 expectation of compensation, donates or loans emergency service
3 equipment to a volunteer shall not be liable for damages resulting
4 from the use of such equipment by the volunteer, except when the
5 donor of the equipment knew or should have known that the equipment
6 was dangerous or faulty in a way which could result in bodily
7 injury, death, or damage to property.

8 ~~D.~~ E. Definitions.

9 1. For the purposes of this section, the term "volunteer" means
10 a person who enters into a service or undertaking of the person's
11 free will without compensation or expectation of compensation in
12 money or other thing of value in order to provide a service, care,
13 assistance, advice, or other benefit; provided, being legally
14 entitled to receive compensation for the service or undertaking
15 performed shall not preclude a person from being considered a
16 volunteer.

17 2. For the purposes of this section, the term "charitable
18 organization" means any benevolent, philanthropic, patriotic,
19 eleemosynary, educational, social, civic, recreational, religious
20 group or association, or any other person performing or purporting
21 to perform acts beneficial to the public.

22 3. For the purposes of this section, the term "not-for-profit
23 corporation" means a corporation formed for a purpose not involving
24 pecuniary gain to its shareholders or members, paying no dividends

1 or other pecuniary remuneration, directly or indirectly, to its
2 shareholders or members as such, and having no capital stock.

3 ~~E.~~ F. The provisions of this section shall not affect the
4 liability that any person may have which arises from the operation
5 of a motor vehicle, watercraft, or aircraft in rendering the
6 service, care, assistance, advice, or other benefit as a volunteer.
7 Provided, however, the liability of any person with a current motor
8 vehicle insurance policy at the required minimum limits who
9 volunteers to provide transportation shall not exceed the limits of
10 such insurance policy, except for gross negligence or willful or
11 wanton conduct committed in providing such transportation. In no
12 event shall the limitation on liability provided under this
13 subsection apply to a person who does not possess a current motor
14 vehicle policy when providing transportation.

15 ~~F.~~ G. For a volunteer, the immunity from civil liability
16 provided for by subsection A of this section shall extend only to
17 the actions taken by a person rendering the service, care,
18 assistance, advice, or other benefit as a volunteer, where such
19 actions are agreed upon in advance by all involved persons to be
20 provided on a volunteer basis. This section shall not be construed
21 to confer any immunity to any person for actions taken by the
22 volunteer prior to or after the rendering of the service, care,
23 assistance, advice, or other benefit as a volunteer.

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1 H. This section shall apply to all civil actions filed after
2 ~~August 25, 1995~~ November 1, 2026.

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