

1 ENGROSSED SENATE
2 BILL NO. 1168

By: Hall and Haste of the
Senate

3 and

4 Caldwell (Trey) and Kane of
5 the House

6
7 An Act relating to The Governmental Tort Claims Act;
8 amending 51 O.S. 2021, Sections 152, as last amended
9 by Section 111, Chapter 452, O.S.L. 2024, and 154 (51
10 O.S. Supp. 2024, Section 152), which relate to
11 definitions and extent of liability; defining term;
12 modifying definitions; increasing limits on liability
for certain claims; requiring certain increases for
liability limits after specified time periods;
updating statutory references and language; making
language gender neutral; and providing an effective
date.

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

16 SECTION 1. AMENDATORY 51 O.S. 2021, Section 152, as last
17 amended by Section 111, Chapter 452, O.S.L. 2024 (51 O.S. Supp.
18 2024, Section 152), is amended to read as follows:

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

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

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

1 3. "Charitable health care provider" means a person who is
2 licensed, certified, or otherwise authorized by the laws of this
3 state to administer health care in the ordinary course of business
4 or the practice of a profession and who provides care to a medically
5 indigent person, as defined in paragraph 9 of this section, with no
6 expectation of or acceptance of compensation of any kind;

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

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

- 16 a. any person holding an interest in real or personal
17 property which suffers a loss, provided that the claim
18 of the person shall be aggregated with claims of all
19 other persons holding an interest in the property and
20 the claims of all other persons which are derivative
21 of the loss, and that multiple claimants shall be
22 considered a single claimant,
- 23 b. the individual actually involved in the accident or
24 occurrence who suffers a loss, provided that the

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

7 6. "Community health care provider" means:

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

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

16 c. a health care provider who provides services to a
17 community health center that has made application to
18 the U.S. Department of Health and Human Services for
19 approval and deeming as a federally qualified look-
20 alike community health center in compliance with
21 federal application guidance, and has received
22 comments from the U.S. Department of Health and Human
23 Services as to the status of such application with the
24 established intent of resubmitting a modified

1 application, or, if denied, a new application, no
2 later than six (6) months from the date of the
3 official notification from the U.S. Department of
4 Health and Human Services requiring resubmission of a
5 new application;

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

10 a. Employee also includes:

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

18 (2) from September 1, 1991, through June 30, 1996,
19 licensed physicians, licensed osteopathic
20 physicians and ~~certified nurse-midwives~~ Certified
21 Nurse-Midwives providing prenatal, delivery or
22 infant care services to State Department of
23 Health clients pursuant to a contract entered
24 into with the State Department of Health in

1 accordance with paragraph 3 of subsection ~~B~~ C of
2 Section 1-106 of Title 63 of the Oklahoma
3 Statutes but only insofar as services authorized
4 by and in conformity with the terms of the
5 contract and the requirements of Section 1-233 of
6 Title 63 of the Oklahoma Statutes, and

7 (3) any volunteer, full-time or part-time firefighter
8 when performing duties for a fire department
9 provided for in subparagraph j of paragraph ~~11~~ 12
10 of this section.

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

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

1 profit subsidiary of such corporation, or the
2 Department of Mental Health and Substance Abuse
3 Services,

4 (3) faculty members and staff of the University of
5 Oklahoma Health Sciences Center, ~~and the Oklahoma~~
6 State University College of Osteopathic Medicine
7 ~~of Oklahoma State University,~~ or a public trust
8 created pursuant to Section 3224 of Title 63 of
9 the Oklahoma Statutes and any sole member not-
10 for-profit corporation of the public trust and
11 any sole member not-for-profit subsidiary of such
12 corporation, while engaged in teaching duties,

13 (4) physicians who practice medicine or act in an
14 administrative capacity as an employee of an
15 agency of ~~the State of Oklahoma~~ this state,

16 (5) physicians who provide medical care to inmates
17 pursuant to a contract with the Department of
18 Corrections,

19 (6) any person who is licensed to practice medicine
20 pursuant to Title 59 of the Oklahoma Statutes,
21 who is under an administrative professional
22 services contract with the Oklahoma Health Care
23 Authority under the auspices of the Oklahoma
24 Health Care Authority Chief Medical Officer, and

1 who is limited to performing administrative
2 duties such as professional guidance for medical
3 reviews, reimbursement rates, service
4 utilization, health care delivery and benefit
5 design for the Oklahoma Health Care Authority,
6 only while acting within the scope of such
7 contract,

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

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

20 (9) licensed mental health professionals as defined
21 in Sections 1-103 and 5-502 of Title 43A of the
22 Oklahoma Statutes, who are providing mental
23 health or substance abuse treatment services
24 under a professional services contract with the

1 Department of Mental Health and Substance Abuse
2 Services and are providing such treatment
3 services at a state-operated facility.

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

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

22 d. Except as provided in subparagraph b of this
23 paragraph, in no event shall the state be held liable
24 for the tortious conduct of any physician, resident

1 physician or intern while practicing medicine or
2 providing medical treatment to patients.

3 e. For purposes of The Governmental Tort Claims Act,
4 members of the state military forces on state active
5 duty orders or on Title 32 active duty orders are
6 employees of this state, regardless of the place,
7 within or outside this state, where their duties as
8 employees are performed;

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

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

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

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

24 12. "Political subdivision" means:

- 1 a. a municipality,
- 2 b. a school district, including, but not limited to, a
- 3 technology center school district established pursuant
- 4 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of
- 5 the Oklahoma Statutes, or a public library as defined
- 6 pursuant to Section 1-104 of Title 65 of the Oklahoma
- 7 Statutes,
- 8 c. a county,
- 9 d. a public trust where the sole beneficiary or
- 10 beneficiaries are a city, town, school district or
- 11 county. For purposes of The Governmental Tort Claims
- 12 Act, a public trust shall include:
- 13 (1) a municipal hospital created pursuant to Sections
- 14 30-101 through 30-109 of Title 11 of the Oklahoma
- 15 Statutes, a county hospital created pursuant to
- 16 Sections 781 through 796 of Title 19 of the
- 17 Oklahoma Statutes, or is created pursuant to a
- 18 joint agreement between such governing
- 19 authorities, that is operated for the public
- 20 benefit by a public trust created pursuant to
- 21 Sections 176 through 180.4 of Title 60 of the
- 22 Oklahoma Statutes and managed by a governing
- 23 board appointed or elected by the municipality,
- 24 county, or both, who exercises control of the

1 hospital, subject to the approval of the
2 governing body of the municipality, county, or
3 both,

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

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

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

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

- 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~~ emergency services
20 provider rendering services ~~within the boundaries of a~~
21 ~~Supplemental Emergency Services District~~ pursuant to
22 an existing contract between the ~~Emergency Services~~
23 ~~Provider~~ emergency services provider and the State
24 Department of Health. Provided, however, that the

1 acquisition of commercial liability insurance covering
2 the activities of such ~~Emergency Services Provider~~
3 emergency services provider performed within this
4 state shall not operate as a waiver of any of the
5 limitations, immunities or defenses provided for
6 political subdivisions pursuant to the terms of The
7 Governmental Tort Claims Act,

8 l. for purposes of The Governmental Tort Claims Act only,
9 a conservation district created pursuant to the
10 provisions of the Conservation District Act,

11 m. for purposes of The Governmental Tort Claims Act,
12 districts formed pursuant to the Oklahoma Irrigation
13 District Act,

14 n. for purposes of The Governmental Tort Claims Act only,
15 any community action agency established pursuant to
16 Sections 5035 through ~~5040~~ 5040.1 of Title 74 of the
17 Oklahoma Statutes,

18 o. for purposes of The Governmental Tort Claims Act only,
19 any organization that is designated as a youth
20 services agency, pursuant to Section 2-7-306 of Title
21 10A of the Oklahoma Statutes,

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

- 1 q. for purposes of The Governmental Tort Claims Act only,
2 any child-placing agency licensed by this state to
3 place children in foster family homes,
- 4 r. for purposes of The Governmental Tort Claims Act only,
5 a circuit engineering district created pursuant to
6 Section 687.1 of Title 69 of the Oklahoma Statutes,
- 7 s. for purposes of ~~the~~ The Governmental Tort Claims Act
8 only, a substate planning district, regional council
9 of government or other entity created pursuant to
10 Section 1001 et seq. of Title 74 of the Oklahoma
11 Statutes, and
- 12 t. for purposes of The Governmental Tort Claims Act only,
13 a regional transportation authority created pursuant
14 to Section 1370.7 of Title 68 of the Oklahoma Statutes
15 including its contract operator and any railroad
16 operating in interstate commerce that sells a property
17 interest or provides services to a regional
18 transportation authority or allows the authority to
19 use the property or tracks of the railroad for the
20 provision of public passenger rail service to the
21 extent claims against the contract operator or
22 railroad arise out of or are related to or in
23 connection with such property interest, services or
24 operation of the public passenger rail service.

1 Provided, the acquisition of commercial liability
2 insurance to cover the activities of the regional
3 transportation authority, contract operator or
4 railroad shall not operate as a waiver of any
5 liabilities, immunities or defenses provided pursuant
6 to the provisions of ~~the~~ The Governmental Tort Claims
7 Act,

8 and all their institutions, instrumentalities or agencies;

9 ~~12.~~ 13. "Scope of employment" means performance by an employee
10 acting in good faith within the duties of the employee's office or
11 employment or of tasks lawfully assigned by a competent authority
12 including the operation or use of an agency vehicle or equipment
13 with actual or implied consent of the supervisor of the employee,
14 but shall not include corruption or fraud;

15 ~~13.~~ 14. "State" means the State of Oklahoma or any office,
16 department, agency, authority, commission, board, institution,
17 hospital, college, university, public trust created pursuant to
18 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
19 the beneficiary, or other instrumentality thereof;

20 ~~14.~~ 15. "State active duty" shall be defined in accordance with
21 Section 801 of Title 44 of the Oklahoma Statutes;

22 ~~15.~~ 16. "State military forces" shall be defined in accordance
23 with Section 801 of Title 44 of the Oklahoma Statutes;

1 ~~16.~~ 17. "Title 32 active duty" shall be defined in accordance
2 with Section 801 of Title 44 of the Oklahoma Statutes; and

3 ~~17.~~ 18. "Tort" means a legal wrong, independent of contract,
4 involving violation of a duty imposed by general law, statute, the
5 ~~Constitution of the State of Oklahoma~~ Oklahoma Constitution, or
6 otherwise, resulting in a loss to any person, association or
7 corporation as the proximate result of an act or omission of a
8 political subdivision or the state or an employee acting within the
9 scope of employment; provided, however, a tort shall not include a
10 claim for inverse condemnation.

11 SECTION 2. AMENDATORY 51 O.S. 2021, Section 154, is
12 amended to read as follows:

13 Section 154. A. The total liability of the state and its
14 political subdivisions on claims within the scope of The
15 Governmental Tort Claims Act, arising out of an accident or
16 occurrence happening after October 1, 1985, Section 151 et seq. of
17 this title, shall not exceed:

18 1. ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Seventy-five
19 Thousand Dollars (\$75,000.00) for any claim or to any claimant who
20 has more than one claim for loss of property arising out of a single
21 act, accident, or occurrence;

22 2. a. Two Hundred Twenty-five Thousand Dollars (\$225,000.00)
23 to any claimant for any number of claims for
24 inconvenience, annoyance, or discomfort in nuisance

claims arising out of a single act, accident, or
occurrence in a county with a population of less than
one hundred fifty thousand (150,000) according to the
latest Federal Decennial Census, or

b. Two Hundred Seventy-five Thousand Dollars
(\$275,000.00) to any claimant for any number of claims
for inconvenience, annoyance, or discomfort in
nuisance claims arising out of a single act, accident,
or occurrence in a county with a population of one
hundred fifty thousand (150,000) or more according to
the latest Federal Decennial Census;

3. a. In no event shall the total liability of the state and
its political subdivisions for a claim for nuisance
exceed Two Hundred Seventy-five Thousand Dollars
(\$275,000.00) per occurrence.

b. In no event shall the total liability of the state and
its political subdivisions for a claim arising from
municipal sewer overflow exceed Two Hundred Seventy-
five Thousand Dollars (\$275,000.00) per occurrence;

4. Except as otherwise provided in this paragraph, ~~One Hundred~~
~~Twenty-five Thousand Dollars (\$125,000.00)~~ Two Hundred Fifty
Thousand Dollars (\$250,000.00) to any claimant for a claim for any
other loss arising out of a single act, accident, or occurrence.
The limit of liability for the state or any city or county with a

1 population of ~~three hundred thousand (300,000)~~ one hundred fifty
2 thousand (150,000) or more according to the latest Federal Decennial
3 Census, or a political subdivision as defined in subparagraph s of
4 paragraph ~~11~~ 12 of Section 152 of this title, shall not exceed ~~One~~
5 ~~Hundred Seventy-five Thousand Dollars (\$175,000.00)~~ Three Hundred
6 Seventy-five Thousand Dollars (\$375,000.00). Except, however, the
7 limits of ~~the~~ liability for the University Hospitals and ~~State~~
8 ~~Mental Health Hospitals~~ state mental health hospitals operated by
9 the Department of Mental Health and Substance Abuse Services for
10 claims arising from medical negligence shall be ~~Two Hundred Thousand~~
11 ~~Dollars (\$200,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00).
12 For claims arising from medical negligence by any licensed
13 physician, osteopathic physician or ~~certified nurse-midwife~~
14 Certified Nurse-Midwife rendering prenatal, delivery or infant care
15 services from September 1, 1991, through June 30, 1996, pursuant to
16 a contract authorized by subsection ~~B~~ C of Section 1-106 of Title 63
17 of the Oklahoma Statutes and in conformity with the requirements of
18 Section 1-233 of Title 63 of the Oklahoma Statutes, the limits of
19 ~~the~~ liability shall be Two Hundred Thousand Dollars (\$200,000.00);
20 ~~or~~

21 ~~3.~~ 5. One Million Dollars (\$1,000,000.00) for any number of
22 claims for indemnification pursuant to Section 162 of this title
23 arising out of a single occurrence or accident; or

1 6. Two Million Dollars (\$2,000,000.00) in the aggregate for any
2 number of claims arising out of a single occurrence or accident.

3 B. 1. Beginning on May 28, 2003, claims shall be allowed for
4 wrongful criminal felony conviction resulting in imprisonment if the
5 claimant has received a full pardon on the basis of a written
6 finding by the Governor of actual innocence for the crime for which
7 the claimant was sentenced or has been granted judicial relief
8 absolving the claimant of guilt on the basis of actual innocence of
9 the crime for which the claimant was sentenced. The Governor or the
10 court shall specifically state, in the pardon or order, the evidence
11 or basis on which the finding of actual innocence is based.

12 2. As used in paragraph 1 of this subsection, for a claimant to
13 recover based on "actual innocence", the individual must meet the
14 following criteria:

- 15 a. the individual was charged, by indictment or
16 information, with the commission of a public offense
17 classified as a felony,
- 18 b. the individual did not plead guilty to the offense
19 charged, or to any lesser included offense, but was
20 convicted of the offense,
- 21 c. the individual was sentenced to incarceration for a
22 term of imprisonment as a result of the conviction,
- 23 d. the individual was imprisoned solely on the basis of
24 the conviction for the offense, and

1 e. (1) in the case of a pardon, a determination was made
2 by either the Pardon and Parole Board or the
3 Governor that the offense for which the
4 individual was convicted, sentenced and
5 imprisoned, including any lesser offenses, was
6 not committed by the individual, or

7 (2) in the case of judicial relief, a court of
8 competent jurisdiction found by clear and
9 convincing evidence that the offense for which
10 the individual was convicted, sentenced and
11 imprisoned, including any lesser included
12 offenses, was not committed by the individual and
13 issued an order vacating, dismissing or reversing
14 the conviction and sentence and providing that no
15 further proceedings can be or will be held
16 against the individual on any facts and
17 circumstances alleged in the proceedings which
18 had resulted in the conviction.

19 3. A claimant shall not be entitled to compensation for any
20 part of a sentence in prison during which the claimant was also
21 serving a concurrent sentence for a crime not covered by this
22 subsection.

23 4. The total liability of the state and its political
24 subdivisions on any claim within the scope of The Governmental Tort

1 Claims Act arising out of wrongful criminal felony conviction
2 resulting in imprisonment shall not exceed One Hundred Seventy-five
3 Thousand Dollars (\$175,000.00).

4 5. The provisions of this subsection shall apply to convictions
5 occurring on or before May 28, 2003, as well as convictions
6 occurring after May 28, 2003. If a court of competent jurisdiction
7 finds that retroactive application of this subsection is
8 unconstitutional, the prospective application of this subsection
9 shall remain valid.

10 C. No award for damages in an action or any claim against the
11 state or a political subdivision shall include punitive or exemplary
12 damages.

13 D. When the amount awarded to or settled upon multiple
14 claimants exceeds the limitations of this section, any party may
15 apply to the district court which has jurisdiction of the cause to
16 apportion to each claimant the claimant's proper share of the total
17 amount as limited herein. The share apportioned to each claimant
18 shall be in the proportion that the ratio of the award or settlement
19 made to ~~him~~ each claimant bears to the aggregate awards and
20 settlements for all claims against the state or its political
21 subdivisions arising out of the occurrence. When the amount of the
22 aggregate losses presented by a single claimant exceeds the limits
23 of paragraph 1, ~~or~~ 2, 3, or 4 of subsection A of this section, each
24

1 person suffering a loss shall be entitled to that person's
2 proportionate share.

3 E. The total liability of resident physicians and interns while
4 participating in a graduate medical education program of the
5 University of Oklahoma College of Medicine, its affiliated
6 institutions and the Oklahoma State University College of
7 Osteopathic Medicine ~~and Surgery~~ shall not exceed ~~One Hundred~~
8 ~~Thousand Dollars (\$100,000.00)~~ One Hundred Fifty Thousand Dollars
9 (\$150,000.00).

10 F. The total liability of a public trust hospital and physician
11 for the acts of a physician who provides medical services on the
12 premises of a public trust hospital, as provided by Section 152 of
13 this title, that is located in a county with a population of fewer
14 than seventy-five thousand (75,000) according to the latest Federal
15 Decennial Census, but who is not employed by such hospital, shall
16 not exceed One Million Dollars (\$1,000,000.00). If the physician is
17 employed by another group or entity not under the sole or majority
18 control of the physician, the total limit of liability of the
19 physician and hospital shall be the higher coverage afforded by the
20 liability policy, self-insurance, or assets of that group or entity.

21 G. For claims within the scope of The Governmental Tort Claims
22 Act, the liability limits in this section for claims on or after the
23 effective date of this act shall be adjusted beginning January 1,
24 2031, and every five (5) years thereafter for inflation to reflect

1 the lesser of the percentage change in the Consumer Price Index
2 published by the Bureau of Labor Statistics of the United States
3 Department of Labor for such period or four percent (4%) in any
4 five-year period.

5 H. The state or a political subdivision may petition the court
6 that all parties and actions arising out of a single accident or
7 occurrence shall be joined as provided by law, and upon order of the
8 court the proceedings upon good cause shown shall be continued for a
9 reasonable time or until such joinder has been completed. The state
10 or political subdivision shall be allowed to interplead in any
11 action which may impose on it any duty or liability pursuant to The
12 Governmental Tort Claims Act.

13 ~~G.~~ I. The liability of the state or political subdivision under
14 The Governmental Tort Claims Act shall be several from that of any
15 other person or entity, and the state or political subdivision shall
16 only be liable for that percentage of total damages that corresponds
17 to its percentage of total negligence. Nothing in this section
18 shall be construed as increasing the liability limits imposed on the
19 state or political subdivision under The Governmental Tort Claims
20 Act.

21 SECTION 3. This act shall become effective November 1, 2025.
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23
24

1 Passed the Senate the 20th day of May, 2025.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

7
8 _____
9 Presiding Officer of the House
10 of Representatives