

# An Act

ENROLLED SENATE  
BILL NO. 1168

By: Hall and Haste of the  
Senate

and

Caldwell (Trey) and Kane of  
the House

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2021, Sections 152, as last amended by Section 111, Chapter 452, O.S.L. 2024, and 154 (51 O.S. Supp. 2024, Section 152), which relate to definitions and extent of liability; defining term; 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.

SUBJECT: The Governmental Tort Claims Act

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

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

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

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

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

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

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

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

- a. any person holding an interest in real or personal property which suffers a loss, provided that the claim of the person shall be aggregated with claims of all other persons holding an interest in the property and the claims of all other persons which are derivative of the loss, and that multiple claimants shall be considered a single claimant,
- b. the individual actually involved in the accident or occurrence who suffers a loss, provided that the individual shall aggregate in the claim the losses of all other persons which are derivative of the loss, or
- c. in the case of death, an administrator, special administrator or a personal representative who shall aggregate in the claim all losses of all persons which are derivative of the death;

6. "Community health care provider" means:

- a. a health care provider who volunteers services at a community health center that has been deemed by the U.S. Department of Health and Human Services as a

federally qualified health center as defined by 42 U.S.C., Section 1396d(1) (2) (B),

- b. a health provider who provides services to an organization that has been deemed a federally qualified look-alike community health center, and
- c. a health care provider who provides services to a community health center that has made application to the U.S. Department of Health and Human Services for approval and deeming as a federally qualified look-alike community health center in compliance with federal application guidance, and has received comments from the U.S. Department of Health and Human Services as to the status of such application with the established intent of resubmitting a modified application, or, if denied, a new application, no later than six (6) months from the date of the official notification from the U.S. Department of Health and Human Services requiring resubmission of a new application;

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

- a. Employee also includes:
  - (1) all elected or appointed officers, members of governing bodies and other persons designated to act for an agency or political subdivision, but the term does not mean a person or other legal entity while acting in the capacity of an independent contractor or an employee of an independent contractor,
  - (2) from September 1, 1991, through June 30, 1996, licensed physicians, licensed osteopathic physicians and ~~certified nurse-midwives~~ Certified Nurse-Midwives providing prenatal, delivery or infant care services to State Department of

Health clients pursuant to a contract entered into with the State Department of Health in accordance with paragraph 3 of subsection ~~B~~ C of Section 1-106 of Title 63 of the Oklahoma Statutes but only insofar as services authorized by and in conformity with the terms of the contract and the requirements of Section 1-233 of Title 63 of the Oklahoma Statutes, and

- (3) any volunteer, full-time or part-time firefighter when performing duties for a fire department provided for in subparagraph j of paragraph ~~11~~ 12 of this section.
- b. For the purposes of The Governmental Tort Claims Act, the following are employees of this state, regardless of the place in this state where duties as employees are performed:
- (1) physicians acting in an administrative capacity,
  - (2) resident physicians and resident interns participating in a graduate medical education program of the University of Oklahoma Health Sciences Center, the Oklahoma State University College of Osteopathic Medicine of Oklahoma State University, a public trust created pursuant to Section 3224 of Title 63 of the Oklahoma Statutes and any sole member not-for-profit corporation of the public trust and any sole member not-for-profit subsidiary of such corporation, or the Department of Mental Health and Substance Abuse Services,
  - (3) faculty members and staff of the University of Oklahoma Health Sciences Center, and the Oklahoma State University College of Osteopathic Medicine of Oklahoma State University, or a public trust created pursuant to Section 3224 of Title 63 of the Oklahoma Statutes and any sole member not-for-profit corporation of the public trust and

any sole member not-for-profit subsidiary of such corporation, while engaged in teaching duties,

- (4) physicians who practice medicine or act in an administrative capacity as an employee of an agency of ~~the State of Oklahoma~~ this state,
- (5) physicians who provide medical care to inmates pursuant to a contract with the Department of Corrections,
- (6) any person who is licensed to practice medicine pursuant to Title 59 of the Oklahoma Statutes, who is under an administrative professional services contract with the Oklahoma Health Care Authority under the auspices of the Oklahoma Health Care Authority Chief Medical Officer, and who is limited to performing administrative duties such as professional guidance for medical reviews, reimbursement rates, service utilization, health care delivery and benefit design for the Oklahoma Health Care Authority, only while acting within the scope of such contract,
- (7) licensed medical professionals under contract with city, county, or state entities who provide medical care to inmates or detainees in the custody or control of law enforcement agencies,
- (8) licensed mental health professionals as defined in Sections 1-103 and 5-502 of Title 43A of the Oklahoma Statutes, who are conducting initial examinations of individuals for the purpose of determining whether an individual meets the criteria for emergency detention as part of a contract with the Department of Mental Health and Substance Abuse Services, and
- (9) licensed mental health professionals as defined in Sections 1-103 and 5-502 of Title 43A of the Oklahoma Statutes, who are providing mental

health or substance abuse treatment services under a professional services contract with the Department of Mental Health and Substance Abuse Services and are providing such treatment services at a state-operated facility.

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

- c. For the purposes of The Governmental Tort Claims Act, employee shall include independent contractors and employees of independent contractors while actively engaged in the transport of individuals in need of initial assessment, emergency detention, or protective custody as authorized by Section 1-110 of Title 43A of the Oklahoma Statutes.
- d. Except as provided in subparagraph b of this paragraph, in no event shall the state be held liable for the tortious conduct of any physician, resident physician or intern while practicing medicine or providing medical treatment to patients.
- e. For purposes of The Governmental Tort Claims Act, members of the state military forces on state active duty orders or on Title 32 active duty orders are employees of this state, regardless of the place, within or outside this state, where their duties as employees are performed;

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

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

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

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

12. "Political subdivision" means:

- a. a municipality,
- b. a school district, including, but not limited to, a technology center school district established pursuant to Section 4410, 4411, 4420 or 4420.1 of Title 70 of the Oklahoma Statutes, or a public library as defined pursuant to Section 1-104 of Title 65 of the Oklahoma Statutes,
- c. a county,
- d. a public trust where the sole beneficiary or beneficiaries are a city, town, school district or county. For purposes of The Governmental Tort Claims Act, a public trust shall include:
  - (1) a municipal hospital created pursuant to Sections 30-101 through 30-109 of Title 11 of the Oklahoma Statutes, a county hospital created pursuant to Sections 781 through 796 of Title 19 of the Oklahoma Statutes, or is created pursuant to a joint agreement between such governing authorities, that is operated for the public benefit by a public trust created pursuant to

Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes and managed by a governing board appointed or elected by the municipality, county, or both, who exercises control of the hospital, subject to the approval of the governing body of the municipality, county, or both,

- (2) a public trust created pursuant to Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes after January 1, 2009, the primary purpose of which is to own, manage, or operate a public acute care hospital in this state that serves as a teaching hospital for a medical residency program provided by a college of osteopathic medicine and provides care to indigent persons, and
  - (3) a corporation in which all of the capital stock is owned, or a limited liability company in which all of the member interest is owned, by a public trust,
- e. for the purposes of The Governmental Tort Claims Act only, a housing authority created pursuant to the provisions of the Oklahoma Housing Authorities Act,
  - f. for the purposes of The Governmental Tort Claims Act only, corporations organized not for profit pursuant to the provisions of the Oklahoma General Corporation Act for the primary purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents,
  - g. for the purposes of The Governmental Tort Claims Act only, districts formed pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act,
  - h. for the purposes of The Governmental Tort Claims Act only, master conservancy districts formed pursuant to the Conservancy Act of Oklahoma,



- i. for the purposes of The Governmental Tort Claims Act only, a fire protection district created pursuant to the provisions of Section 901.1 et seq. of Title 19 of the Oklahoma Statutes,
- j. for the purposes of The Governmental Tort Claims Act only, a benevolent or charitable corporate volunteer or full-time fire department for an unincorporated area created pursuant to the provisions of Section 592 et seq. of Title 18 of the Oklahoma Statutes,
- k. for purposes of The Governmental Tort Claims Act only, an ~~Emergency Services Provider~~ emergency services provider rendering services ~~within the boundaries of a Supplemental Emergency Services District~~ pursuant to an existing contract between the ~~Emergency Services Provider~~ emergency services provider and the State Department of Health. Provided, however, that the acquisition of commercial liability insurance covering the activities of such ~~Emergency Services Provider~~ emergency services provider performed within this state shall not operate as a waiver of any of the limitations, immunities or defenses provided for political subdivisions pursuant to the terms of The Governmental Tort Claims Act,
- l. for purposes of The Governmental Tort Claims Act only, a conservation district created pursuant to the provisions of the Conservation District Act,
- m. for purposes of The Governmental Tort Claims Act, districts formed pursuant to the Oklahoma Irrigation District Act,
- n. for purposes of The Governmental Tort Claims Act only, any community action agency established pursuant to Sections 5035 through ~~5040~~ 5040.1 of Title 74 of the Oklahoma Statutes,
- o. for purposes of The Governmental Tort Claims Act only, any organization that is designated as a youth

services agency, pursuant to Section 2-7-306 of Title 10A of the Oklahoma Statutes,

- p. for purposes of The Governmental Tort Claims Act only, any judge presiding over a drug court, as defined by Section 471.1 of Title 22 of the Oklahoma Statutes,
- q. for purposes of The Governmental Tort Claims Act only, any child-placing agency licensed by this state to place children in foster family homes,
- r. for purposes of The Governmental Tort Claims Act only, a circuit engineering district created pursuant to Section 687.1 of Title 69 of the Oklahoma Statutes,
- s. for purposes of ~~the~~ The Governmental Tort Claims Act only, a substate planning district, regional council of government or other entity created pursuant to Section 1001 et seq. of Title 74 of the Oklahoma Statutes, and
- t. for purposes of The Governmental Tort Claims Act only, a regional transportation authority created pursuant to Section 1370.7 of Title 68 of the Oklahoma Statutes including its contract operator and any railroad operating in interstate commerce that sells a property interest or provides services to a regional transportation authority or allows the authority to use the property or tracks of the railroad for the provision of public passenger rail service to the extent claims against the contract operator or railroad arise out of or are related to or in connection with such property interest, services or operation of the public passenger rail service. Provided, the acquisition of commercial liability insurance to cover the activities of the regional transportation authority, contract operator or railroad shall not operate as a waiver of any liabilities, immunities or defenses provided pursuant to the provisions of ~~the~~ The Governmental Tort Claims Act,

and all their institutions, instrumentalities or agencies;

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

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

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

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

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

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

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

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

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

2. a. Two Hundred Twenty-five Thousand Dollars (\$225,000.00) 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 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 population of ~~three hundred thousand (300,000)~~ one hundred fifty thousand (150,000) or more according to the latest Federal Decennial Census, or a political subdivision as defined in subparagraph s of paragraph ~~11~~ 12 of Section 152 of this title, shall not exceed ~~One Hundred Seventy-five Thousand Dollars (\$175,000.00)~~ Three Hundred Seventy-five Thousand Dollars (\$375,000.00). Except, however, the

limits of ~~the~~ liability for the University Hospitals and ~~State Mental Health Hospitals~~ state mental health hospitals operated by the Department of Mental Health and Substance Abuse Services for claims arising from medical negligence shall be ~~Two Hundred Thousand Dollars (\$200,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00). For claims arising from medical negligence by any licensed physician, osteopathic physician or ~~certified nurse-midwife~~ Certified Nurse-Midwife rendering prenatal, delivery or infant care services from September 1, 1991, through June 30, 1996, pursuant to a contract authorized by subsection ~~B~~ C of Section 1-106 of Title 63 of the Oklahoma Statutes and in conformity with the requirements of Section 1-233 of Title 63 of the Oklahoma Statutes, the limits of ~~the~~ liability shall be Two Hundred Thousand Dollars (\$200,000.00); ~~or~~

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

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

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

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

- a. the individual was charged, by indictment or information, with the commission of a public offense classified as a felony,

- b. the individual did not plead guilty to the offense charged, or to any lesser included offense, but was convicted of the offense,
- c. the individual was sentenced to incarceration for a term of imprisonment as a result of the conviction,
- d. the individual was imprisoned solely on the basis of the conviction for the offense, and
- e.
  - (1) in the case of a pardon, a determination was made by either the Pardon and Parole Board or the Governor that the offense for which the individual was convicted, sentenced and imprisoned, including any lesser offenses, was not committed by the individual, or
  - (2) in the case of judicial relief, a court of competent jurisdiction found by clear and convincing evidence that the offense for which the individual was convicted, sentenced and imprisoned, including any lesser included offenses, was not committed by the individual and issued an order vacating, dismissing or reversing the conviction and sentence and providing that no further proceedings can be or will be held against the individual on any facts and circumstances alleged in the proceedings which had resulted in the conviction.

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

4. The total liability of the state and its political subdivisions on any claim within the scope of The Governmental Tort Claims Act arising out of wrongful criminal felony conviction resulting in imprisonment shall not exceed One Hundred Seventy-five Thousand Dollars (\$175,000.00).

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

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

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

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

F. The total liability of a public trust hospital and physician for the acts of a physician who provides medical services on the premises of a public trust hospital, as provided by Section 152 of this title, that is located in a county with a population of fewer than seventy-five thousand (75,000) according to the latest Federal Decennial Census, but who is not employed by such hospital, shall not exceed One Million Dollars (\$1,000,000.00). If the physician is employed by another group or entity not under the sole or majority control of the physician, the total limit of liability of the

physician and hospital shall be the higher coverage afforded by the liability policy, self-insurance, or assets of that group or entity.

G. For claims within the scope of The Governmental Tort Claims Act, the liability limits in this section for claims on or after the effective date of this act shall be adjusted beginning January 1, 2031, and every five (5) years thereafter for inflation to reflect the lesser of the percentage change in the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor for such period or four percent (4%) in any five-year period.

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

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

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



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

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2025.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_