

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 ENGROSSED SENATE
5 BILL NO. 1168

 By: Hall and Haste of the
 Senate

6 and

7 Caldwell (Trey) and Kane of
8 the House

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

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

22 SECTION 1. AMENDATORY 51 O.S. 2021, Section 152, as last
23 amended by Section 111, Chapter 452, O.S.L. 2024 (51 O.S. Supp.
24 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;

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

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

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

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

- 19 a. any person holding an interest in real or personal
20 property which suffers a loss, provided that the claim
21 of the person shall be aggregated with claims of all
22 other persons holding an interest in the property and
23 the claims of all other persons which are derivative
24

- 1 of the loss, and that multiple claimants shall be
2 considered a single claimant,
- 3 b. the individual actually involved in the accident or
4 occurrence who suffers a loss, provided that the
5 individual shall aggregate in the claim the losses of
6 all other persons which are derivative of the loss, or
7 c. in the case of death, an administrator, special
8 administrator or a personal representative who shall
9 aggregate in the claim all losses of all persons which
10 are derivative of the death;

11 6. "Community health care provider" means:

- 12 a. a health care provider who volunteers services at a
13 community health center that has been deemed by the
14 U.S. Department of Health and Human Services as a
15 federally qualified health center as defined by 42
16 U.S.C., Section 1396d(1)(2)(B),
- 17 b. a health provider who provides services to an
18 organization that has been deemed a federally
19 qualified look-alike community health center, and
20 c. a health care provider who provides services to a
21 community health center that has made application to
22 the U.S. Department of Health and Human Services for
23 approval and deeming as a federally qualified look-
24 alike community health center in compliance with

1 federal application guidance, and has received
2 comments from the U.S. Department of Health and Human
3 Services as to the status of such application with the
4 established intent of resubmitting a modified
5 application, or, if denied, a new application, no
6 later than six (6) months from the date of the
7 official notification from the U.S. Department of
8 Health and Human Services requiring resubmission of a
9 new application;

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

14 a. Employee also includes:

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

22 (2) from September 1, 1991, through June 30, 1996,
23 licensed physicians, licensed osteopathic
24 physicians and ~~certified nurse-midwives~~ Certified

1 Nurse-Midwives providing prenatal, delivery or
2 infant care services to State Department of
3 Health clients pursuant to a contract entered
4 into with the State Department of Health in
5 accordance with paragraph 3 of subsection ~~B~~ C of
6 Section 1-106 of Title 63 of the Oklahoma
7 Statutes but only insofar as services authorized
8 by and in conformity with the terms of the
9 contract and the requirements of Section 1-233 of
10 Title 63 of the Oklahoma Statutes, and

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

15 b. For the purposes of The Governmental Tort Claims Act,
16 the following are employees of this state, regardless
17 of the place in this state where duties as employees
18 are performed:

19 (1) physicians acting in an administrative capacity,
20 (2) resident physicians and resident interns
21 participating in a graduate medical education
22 program of the University of Oklahoma Health
23 Sciences Center, the Oklahoma State University
24 College of Osteopathic Medicine ~~of Oklahoma State~~

1 University, a public trust created pursuant to
2 Section 3224 of Title 63 of the Oklahoma Statutes
3 and any sole member not-for-profit corporation of
4 the public trust and any sole member not-for-
5 profit subsidiary of such corporation, or the
6 Department of Mental Health and Substance Abuse
7 Services,

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

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

20 (5) physicians who provide medical care to inmates
21 pursuant to a contract with the Department of
22 Corrections,

23 (6) any person who is licensed to practice medicine
24 pursuant to Title 59 of the Oklahoma Statutes,

1 who is under an administrative professional
2 services contract with the Oklahoma Health Care
3 Authority under the auspices of the Oklahoma
4 Health Care Authority Chief Medical Officer, and
5 who is limited to performing administrative
6 duties such as professional guidance for medical
7 reviews, reimbursement rates, service
8 utilization, health care delivery and benefit
9 design for the Oklahoma Health Care Authority,
10 only while acting within the scope of such
11 contract,

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

16 (8) licensed mental health professionals as defined
17 in Sections 1-103 and 5-502 of Title 43A of the
18 Oklahoma Statutes, who are conducting initial
19 examinations of individuals for the purpose of
20 determining whether an individual meets the
21 criteria for emergency detention as part of a
22 contract with the Department of Mental Health and
23 Substance Abuse Services, and
24

1 (9) licensed mental health professionals as defined
2 in Sections 1-103 and 5-502 of Title 43A of the
3 Oklahoma Statutes, who are providing mental
4 health or substance abuse treatment services
5 under a professional services contract with the
6 Department of Mental Health and Substance Abuse
7 Services and are providing such treatment
8 services at a state-operated facility.

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

20 c. For the purposes of The Governmental Tort Claims Act,
21 employee shall include independent contractors and
22 employees of independent contractors while actively
23 engaged in the transport of individuals in need of
24 initial assessment, emergency detention, or protective

1 custody as authorized by Section 1-110 of Title 43A of
2 the Oklahoma Statutes.

3 d. Except as provided in subparagraph b of this
4 paragraph, in no event shall the state be held liable
5 for the tortious conduct of any physician, resident
6 physician or intern while practicing medicine or
7 providing medical treatment to patients.

8 e. For purposes of The Governmental Tort Claims Act,
9 members of the state military forces on state active
10 duty orders or on Title 32 active duty orders are
11 employees of this state, regardless of the place,
12 within or outside this state, where their duties as
13 employees are performed;

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

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

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

23 11. "Occurrence" means a loss arising out of an accident or
24 event or a continuous or repeated exposure to substantially the same

1 general harmful conditions. All losses arising out of an accident
2 or event or a continuous or repeated exposure to substantially the
3 same general harmful conditions shall be deemed to have arisen out
4 of one occurrence;

5 12. "Political subdivision" means:

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

- 1 f. for the purposes of The Governmental Tort Claims Act
2 only, corporations organized not for profit pursuant
3 to the provisions of the Oklahoma General Corporation
4 Act for the primary purpose of developing and
5 providing rural water supply and sewage disposal
6 facilities to serve rural residents,
- 7 g. for the purposes of The Governmental Tort Claims Act
8 only, districts formed pursuant to the Rural Water,
9 Sewer, Gas and Solid Waste Management Districts Act,
- 10 h. for the purposes of The Governmental Tort Claims Act
11 only, master conservancy districts formed pursuant to
12 the Conservancy Act of Oklahoma,
- 13 i. for the purposes of The Governmental Tort Claims Act
14 only, a fire protection district created pursuant to
15 the provisions of Section 901.1 et seq. of Title 19 of
16 the Oklahoma Statutes,
- 17 j. for the purposes of The Governmental Tort Claims Act
18 only, a benevolent or charitable corporate volunteer
19 or full-time fire department for an unincorporated
20 area created pursuant to the provisions of Section 592
21 et seq. of Title 18 of the Oklahoma Statutes,
- 22 k. for purposes of The Governmental Tort Claims Act only,
23 an ~~Emergency Services Provider~~ emergency services
24 provider rendering services ~~within the boundaries of a~~

1 ~~Supplemental Emergency Services District~~ pursuant to
2 an existing contract between the ~~Emergency Services~~
3 ~~Provider~~ emergency services provider and the State
4 Department of Health. Provided, however, that the
5 acquisition of commercial liability insurance covering
6 the activities of such ~~Emergency Services Provider~~
7 emergency services provider performed within this
8 state shall not operate as a waiver of any of the
9 limitations, immunities or defenses provided for
10 political subdivisions pursuant to the terms of The
11 Governmental Tort Claims Act,

12 l. for purposes of The Governmental Tort Claims Act only,
13 a conservation district created pursuant to the
14 provisions of the Conservation District Act,

15 m. for purposes of The Governmental Tort Claims Act,
16 districts formed pursuant to the Oklahoma Irrigation
17 District Act,

18 n. for purposes of The Governmental Tort Claims Act only,
19 any community action agency established pursuant to
20 Sections 5035 through ~~5040~~ 5040.1 of Title 74 of the
21 Oklahoma Statutes,

22 o. for purposes of The Governmental Tort Claims Act only,
23 any organization that is designated as a youth
24

- 1 services agency, pursuant to Section 2-7-306 of Title
2 10A of the Oklahoma Statutes,
- 3 p. for purposes of The Governmental Tort Claims Act only,
4 any judge presiding over a drug court, as defined by
5 Section 471.1 of Title 22 of the Oklahoma Statutes,
- 6 q. for purposes of The Governmental Tort Claims Act only,
7 any child-placing agency licensed by this state to
8 place children in foster family homes,
- 9 r. for purposes of The Governmental Tort Claims Act only,
10 a circuit engineering district created pursuant to
11 Section 687.1 of Title 69 of the Oklahoma Statutes,
- 12 s. for purposes of ~~the~~ The Governmental Tort Claims Act
13 only, a substate planning district, regional council
14 of government or other entity created pursuant to
15 Section 1001 et seq. of Title 74 of the Oklahoma
16 Statutes, and
- 17 t. for purposes of The Governmental Tort Claims Act only,
18 a regional transportation authority created pursuant
19 to Section 1370.7 of Title 68 of the Oklahoma Statutes
20 including its contract operator and any railroad
21 operating in interstate commerce that sells a property
22 interest or provides services to a regional
23 transportation authority or allows the authority to
24 use the property or tracks of the railroad for the

1 provision of public passenger rail service to the
2 extent claims against the contract operator or
3 railroad arise out of or are related to or in
4 connection with such property interest, services or
5 operation of the public passenger rail service.

6 Provided, the acquisition of commercial liability
7 insurance to cover the activities of the regional
8 transportation authority, contract operator or
9 railroad shall not operate as a waiver of any
10 liabilities, immunities or defenses provided pursuant
11 to the provisions of ~~the~~ The Governmental Tort Claims
12 Act,

13 and all their institutions, instrumentalities or agencies;

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

20 ~~13.~~ 14. "State" means the State of Oklahoma or any office,
21 department, agency, authority, commission, board, institution,
22 hospital, college, university, public trust created pursuant to
23 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
24 the beneficiary, or other instrumentality thereof;

1 ~~14.~~ 15. "State active duty" shall be defined in accordance with
2 Section 801 of Title 44 of the Oklahoma Statutes;

3 ~~15.~~ 16. "State military forces" shall be defined in accordance
4 with Section 801 of Title 44 of the Oklahoma Statutes;

5 ~~16.~~ 17. "Title 32 active duty" shall be defined in accordance
6 with Section 801 of Title 44 of the Oklahoma Statutes; and

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

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

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

22 1. ~~Twenty-five Thousand Dollars (\$25,000.00)~~ Seventy-five
23 Thousand Dollars (\$75,000.00) for any claim or to any claimant who
24

1 has more than one claim for loss of property arising out of a single
2 act, accident, or occurrence;

3 2. a. Two Hundred Twenty-five Thousand Dollars (\$225,000.00)
4 to any claimant for any number of claims for
5 inconvenience, annoyance, or discomfort in nuisance
6 claims arising out of a single act, accident, or
7 occurrence in a county with a population of less than
8 one hundred fifty thousand (150,000) according to the
9 latest Federal Decennial Census, or

10 b. Two Hundred Seventy-five Thousand Dollars
11 (\$275,000.00) to any claimant for any number of claims
12 for inconvenience, annoyance, or discomfort in
13 nuisance claims arising out of a single act, accident,
14 or occurrence in a county with a population of one
15 hundred fifty thousand (150,000) or more according to
16 the latest Federal Decennial Census;

17 3. a. In no event shall the total liability of the state and
18 its political subdivisions for a claim for nuisance
19 exceed Two Hundred Seventy-five Thousand Dollars
20 (\$275,000.00) per occurrence.

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

1 4. Except as otherwise provided in this paragraph, ~~One Hundred~~
2 ~~Twenty-five Thousand Dollars (\$125,000.00)~~ Two Hundred Fifty
3 Thousand Dollars (\$250,000.00) to any claimant for a claim for any
4 other loss arising out of a single act, accident, or occurrence.
5 The limit of liability for the state or any city or county with a
6 population of ~~three hundred thousand (300,000)~~ one hundred fifty
7 thousand (150,000) or more according to the latest Federal Decennial
8 Census, or a political subdivision as defined in subparagraph s of
9 paragraph ~~11~~ 12 of Section 152 of this title, shall not exceed ~~One~~
10 ~~Hundred Seventy-five Thousand Dollars (\$175,000.00)~~ Three Hundred
11 Seventy-five Thousand Dollars (\$375,000.00). Except, however, the
12 limits of ~~the~~ liability for the University Hospitals and ~~State~~
13 ~~Mental Health Hospitals~~ state mental health hospitals operated by
14 the Department of Mental Health and Substance Abuse Services for
15 claims arising from medical negligence shall be ~~Two Hundred Thousand~~
16 ~~Dollars (\$200,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00).
17 For claims arising from medical negligence by any licensed
18 physician, osteopathic physician or ~~certified nurse-midwife~~
19 Certified Nurse-Midwife rendering prenatal, delivery or infant care
20 services from September 1, 1991, through June 30, 1996, pursuant to
21 a contract authorized by subsection ~~B~~ C of Section 1-106 of Title 63
22 of the Oklahoma Statutes and in conformity with the requirements of
23 Section 1-233 of Title 63 of the Oklahoma Statutes, the limits of
24

1 the liability shall be Two Hundred Thousand Dollars (\$200,000.00);

2 or

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

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

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

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

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

- 1 b. the individual did not plead guilty to the offense
2 charged, or to any lesser included offense, but was
3 convicted of the offense,
- 4 c. the individual was sentenced to incarceration for a
5 term of imprisonment as a result of the conviction,
- 6 d. the individual was imprisoned solely on the basis of
7 the conviction for the offense, and
- 8 e. (1) in the case of a pardon, a determination was made
9 by either the Pardon and Parole Board or the
10 Governor that the offense for which the
11 individual was convicted, sentenced and
12 imprisoned, including any lesser offenses, was
13 not committed by the individual, or
- 14 (2) in the case of judicial relief, a court of
15 competent jurisdiction found by clear and
16 convincing evidence that the offense for which
17 the individual was convicted, sentenced and
18 imprisoned, including any lesser included
19 offenses, was not committed by the individual and
20 issued an order vacating, dismissing or reversing
21 the conviction and sentence and providing that no
22 further proceedings can be or will be held
23 against the individual on any facts and
24

1 circumstances alleged in the proceedings which
2 had resulted in the conviction.

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

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

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

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

21 D. When the amount awarded to or settled upon multiple
22 claimants exceeds the limitations of this section, any party may
23 apply to the district court which has jurisdiction of the cause to
24 apportion to each claimant the claimant's proper share of the total

1 amount as limited herein. The share apportioned to each claimant
2 shall be in the proportion that the ratio of the award or settlement
3 made to ~~him~~ each claimant bears to the aggregate awards and
4 settlements for all claims against the state or its political
5 subdivisions arising out of the occurrence. When the amount of the
6 aggregate losses presented by a single claimant exceeds the limits
7 of paragraph 1, ~~or~~ 2, 3, or 4 of subsection A of this section, each
8 person suffering a loss shall be entitled to that person's
9 proportionate share.

10 E. The total liability of resident physicians and interns while
11 participating in a graduate medical education program of the
12 University of Oklahoma College of Medicine, its affiliated
13 institutions and the Oklahoma State University College of
14 Osteopathic Medicine ~~and Surgery~~ shall not exceed ~~One Hundred~~
15 ~~Thousand Dollars (\$100,000.00)~~ One Hundred Fifty Thousand Dollars
16 (\$150,000.00).

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

1 control of the physician, the total limit of liability of the
2 physician and hospital shall be the higher coverage afforded by the
3 liability policy, self-insurance, or assets of that group or entity.

4 G. For claims within the scope of The Governmental Tort Claims
5 Act, the liability limits in this section for claims on or after the
6 effective date of this act shall be adjusted beginning January 1,
7 2031, and every five (5) years thereafter for inflation to reflect
8 the lesser of the percentage change in the Consumer Price Index
9 published by the Bureau of Labor Statistics of the United States
10 Department of Labor for such period or four percent (4%) in any
11 five-year period.

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

20 ~~G.~~ I. The liability of the state or political subdivision under
21 The Governmental Tort Claims Act shall be several from that of any
22 other person or entity, and the state or political subdivision shall
23 only be liable for that percentage of total damages that corresponds
24 to its percentage of total negligence. Nothing in this section

1 shall be construed as increasing the liability limits imposed on the
2 state or political subdivision under The Governmental Tort Claims
3 Act.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
7 AND BUDGET, dated 05/19/2025 - DO PASS, As Amended.
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