

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3037

By: Lepak

AS INTRODUCED

An Act relating to The Governmental Tort Claims Act; amending 51 O.S. 2021, Section 152, as last amended by Section 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp. 2025, Section 152), which relates to definitions; clarifying definition of employee to include students actively participating in certain institution-sponsored activities or events when such participation is an academic requirement; and providing an effective date.

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 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp. 2025, 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;

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
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

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

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
21 providing prenatal, delivery or infant care
22 services to State Department of Health clients
23 pursuant to a contract entered into with the
24 State Department of Health in accordance with

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

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

21 created pursuant to Section 3224 of Title 63 of

22 the Oklahoma Statutes and any sole member not-

23 for-profit corporation of the public trust and

24 any sole member not-for-profit subsidiary of such

1 corporation, or the Department of Mental Health
2 and Substance Abuse Services,

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

12 (4) physicians who practice medicine or act in an
13 administrative capacity as an employee of an
14 agency of this state,

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

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

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

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

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

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

1 Services and are providing such treatment
2 services at a state-operated facility.

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

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

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

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

7 f. For the purposes of The Governmental Tort Claims Act,
8 employee shall include students enrolled at an
9 institution of higher education within The State
10 System of Higher Education while the student is
11 actively participating in institution-sponsored
12 curricular or co-curricular activities or events under
13 the direct supervision of a faculty or staff member
14 when such participation is an academic requirement for
15 a course or program the student is enrolled in;

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

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

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

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

7 12. "Political subdivision" means:

8 a. a municipality,

9 b. a school district, including, but not limited to, a
10 technology center school district established pursuant
11 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of
12 the Oklahoma Statutes, or a public library as defined
13 pursuant to Section 1-104 of Title 65 of the Oklahoma
14 Statutes,

15 c. a county,

16 d. a public trust where the sole beneficiary or
17 beneficiaries are a city, town, school district, or
18 county. For purposes of The Governmental Tort Claims
19 Act, a public trust shall include:

20 (1) a municipal hospital created pursuant to Sections
21 30-101 through 30-109 of Title 11 of the Oklahoma
22 Statutes, a county hospital created pursuant to
23 Sections 781 through 796 of Title 19 of the
24 Oklahoma Statutes, or is created pursuant to a

1 joint agreement between such governing
2 authorities, that is operated for the public
3 benefit by a public trust created pursuant to
4 Sections 176 through 180.4 of Title 60 of the
5 Oklahoma Statutes and managed by a governing
6 board appointed or elected by the municipality,
7 county, or both, who exercises control of the
8 hospital, subject to the approval of the
9 governing body of the municipality, county, or
10 both,

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

20 (3) a corporation in which all of the capital stock
21 is owned, or a limited liability company in which
22 all of the member interest is owned, by a public
23 trust,
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- 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,

- 1 k. for purposes of The Governmental Tort Claims Act only,
2 an emergency services provider rendering services
3 pursuant to an existing contract between the emergency
4 services provider and the State Department of Health.
5 Provided, however, that the acquisition of commercial
6 liability insurance covering the activities of such
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 5040.1 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
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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 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

1 extent claims against the contract operator or
2 railroad arise out of or are related to or in
3 connection with such property interest, services or
4 operation of the public passenger rail service.
5 Provided, the acquisition of commercial liability
6 insurance to cover the activities of the regional
7 transportation authority, contract operator or
8 railroad shall not operate as a waiver of any
9 liabilities, immunities or defenses provided pursuant
10 to the provisions of The Governmental Tort Claims Act,
11 and all their institutions, instrumentalities or agencies;

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

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

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

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

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

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

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

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