

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3594

By: Lepak

6 AS INTRODUCED

7 An Act relating to the Governmental Tort Claims Act;  
8 amending 51 O.S. 2021, Section 152, as last amended  
9 by Section 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp.  
10 2025, Section 152), which relates to definitions;  
11 clarifying definition of occurrence; amending 51 O.S.  
12 2021, Section 154, as amended by Section 2, Chapter  
292, O.S.L. 2025 (51 O.S. Supp. 2025, Section 154),  
which relates to extent of liability; requiring court  
to award reasonable costs and expenses to a plaintiff  
in certain proceedings involving damage to property;  
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 1, Chapter 314, O.S.L. 2025 (51 O.S. Supp. 2025,  
18 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  
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 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(l)(2)(B).

b. a health provider who provides services to an organization that has been deemed a federally

c. a health care provider who provides services to a

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 providing  
21 prenatal, delivery or infant care services to  
22 State Department of Health clients pursuant to a  
23 contract entered into with the State Department  
24 of Health in accordance with paragraph 3 of

1 subsection C of Section 1-106 of Title 63 of the  
2 Oklahoma Statutes but only insofar as services  
3 authorized by and in conformity with the terms of  
4 the contract and the requirements of Section 1-  
5 233 of Title 63 of the Oklahoma Statutes, and  
6 (3) any volunteer, full-time or part-time firefighter  
7 when performing duties for a fire department  
8 provided for in subparagraph j of paragraph 12 of  
9 this section.

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

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

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

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

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

16                  11. "Occurrence" means a loss arising out of an accident or  
17                  event or a continuous or repeated exposure to substantially the same  
18                  general harmful conditions. All losses arising out of an accident  
19                  or event or a continuous or repeated exposure to substantially the  
20                  same general harmful conditions shall be deemed to have arisen out  
21                  of one occurrence. For the purposes of determining accrual, a claim  
22                  based on a continuous, repeated, or ongoing accident, event, or  
23                  exposure shall not be deemed to have accrued until such accident,

event, or exposure to substantially the same general harmful conditions has ceased or been abated;

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

1 to the provisions of the Oklahoma General Corporation  
2 Act for the primary purpose of developing and  
3 providing rural water supply and sewage disposal  
4 facilities to serve rural residents,  
5 g. for the purposes of The Governmental Tort Claims Act  
6 only, districts formed pursuant to the Rural Water,  
7 Sewer, Gas and Solid Waste Management Districts Act,  
8 h. for the purposes of The Governmental Tort Claims Act  
9 only, master conservancy districts formed pursuant to  
10 the Conservancy Act of Oklahoma,  
11 i. for the purposes of The Governmental Tort Claims Act  
12 only, a fire protection district created pursuant to  
13 the provisions of Section 901.1 et seq. of Title 19 of  
14 the Oklahoma Statutes,  
15 j. for the purposes of The Governmental Tort Claims Act  
16 only, a benevolent or charitable corporate volunteer  
17 or full-time fire department for an unincorporated  
18 area created pursuant to the provisions of Section 592  
19 et seq. of Title 18 of the Oklahoma Statutes,  
20 k. for purposes of The Governmental Tort Claims Act only,  
21 an emergency services provider rendering services  
22 pursuant to an existing contract between the emergency  
23 services provider and the State Department of Health.  
24 Provided, however, that the acquisition of commercial

liability insurance covering the activities of such 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 5040.1 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 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.

1 insurance to cover the activities of the regional  
2 transportation authority, contract operator or  
3 railroad shall not operate as a waiver of any  
4 liabilities, immunities or defenses provided pursuant  
5 to the provisions of The Governmental Tort Claims Act,  
6 and all their institutions, instrumentalities or agencies;

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

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

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

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

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

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

8       SECTION 2.       AMENDATORY       51 O.S. 2021, Section 154, as  
9 amended by Section 2, Chapter 292, O.S.L. 2025 (51 O.S. Supp. 2025,  
10 Section 154), is amended to read as follows:

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

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

19       2. Except as otherwise provided in this paragraph, One Hundred  
20 Twenty-five Thousand Dollars (\$125,000.00) to any claimant for a  
21 claim for any other loss arising out of a single act, accident, or  
22 occurrence. The limit of liability for the state or any city or  
23 county with a population of three hundred thousand (300,000) or more  
24 according to the latest Federal Decennial Census, or a political

1 subdivision as defined in subparagraph s of paragraph 11 of Section  
2 152 of this title, shall not exceed One Hundred Seventy-five  
3 Thousand Dollars (\$175,000.00). Except however, the limits of the  
4 liability for the University Hospitals and State Mental Health  
5 Hospitals operated by the Department of Mental Health and Substance  
6 Abuse Services for claims arising from medical negligence shall be  
7 Two Hundred Thousand Dollars (\$200,000.00). For claims arising from  
8 medical negligence by any licensed physician, osteopathic physician  
9 or certified nurse-midwife rendering prenatal, delivery or infant  
10 care services from September 1, 1991, through June 30, 1996,  
11 pursuant to a contract authorized by subsection B of Section 1-106  
12 of Title 63 of the Oklahoma Statutes and in conformity with the  
13 requirements of Section 1-233 of Title 63 of the Oklahoma Statutes,  
14 the limits of the liability shall be Two Hundred Thousand Dollars  
15 (\$200,000.00); or

16       3. One Million Dollars (\$1,000,000.00) for any number of claims  
17 arising out of a single occurrence or accident.

18       B. 1. Beginning on July 1, 2025, claims shall be allowed for  
19 wrongful criminal felony conviction resulting in imprisonment if the  
20 claimant has received a full pardon on the basis of a written  
21 finding by the Governor of actual innocence for the crime for which  
22 the claimant was sentenced or has been granted judicial relief  
23 absolving the claimant of guilt on the basis of actual innocence of  
24 the crime for which the claimant was sentenced. The Governor or the

1 court shall specifically state, in the pardon or order, the evidence  
2 or basis on which the finding of actual innocence is based.

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

- 6 a. the individual was charged, by indictment or  
7 information, with the commission of a public offense  
8 classified as a felony,
- 9 b. the individual was sentenced to incarceration for a  
10 term of imprisonment as a result of the conviction,
- 11 c. the individual was imprisoned solely on the basis of  
12 the conviction for the offense, and
- 13 d. (1) in the case of a pardon, a determination was made  
14 by either the Pardon and Parole Board or the  
15 Governor that the offense for which the  
16 individual was convicted, sentenced and  
17 imprisoned, including any lesser offenses, was  
18 not committed by the individual, or  
19 (2) in the case of judicial relief, a court of  
20 competent jurisdiction found by clear and  
21 convincing evidence that the offense for which  
22 the individual was convicted, sentenced and  
23 imprisoned, including any lesser included  
24 offenses, was not committed by the individual and

1 issued an order vacating, dismissing or reversing  
2 the conviction and sentence and providing that no  
3 further proceedings can be or will be held  
4 against the individual on any facts and  
5 circumstances alleged in the proceedings which  
6 had resulted in the conviction.

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

11 4. The total liability of the state and its political  
12 subdivisions on any claim within the scope of The Governmental Tort  
13 Claims Act arising out of wrongful criminal felony conviction  
14 resulting in imprisonment shall be in an amount equal to Fifty  
15 Thousand Dollars (\$50,000.00) multiplied by the number of years  
16 served in prison, expressed as a fraction to reflect partial years.

17 5. In addition to the award of damages provided for in  
18 paragraph 4 of this subsection, a claimant who served his or her  
19 time on death row shall be entitled to receive supplemental  
20 compensation in the amount of Fifty Thousand Dollars (\$50,000.00)  
21 multiplied by the number of years the person served on death row,  
22 expressed as a fraction to reflect partial years.

23 6. In addition to the award of damages provided for in  
24 paragraph 4 of this subsection, a claimant who was released on

1 parole or released under conditions of probation shall be entitled  
2 to receive supplemental compensation in the amount of Twenty-five  
3 Thousand Dollars (\$25,000.00) multiplied by the number of years the  
4 person was on parole or under probation, expressed as a fraction to  
5 reflect partial years.

6       7. A claimant entitled to compensation under the provisions of  
7 this subsection shall be entitled to an award of damages under this  
8 subsection of One Million Dollars (\$1,000,000.00) or less shall be  
9 paid to the claimant in a lump sum. If an award of damages under  
10 this subsection exceeds One Million Dollars (\$1,000,000.00), then  
11 One Million Dollars (\$1,000,000.00) of the award shall be paid to  
12 the claimant in a lump sum and the remainder shall be paid annually  
13 in equal payments over a period of three (3) years.

14       8. The provisions of this subsection shall apply to  
15 exonerations occurring on and after July 1, 2025.

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

19       D. When the amount awarded to or settled upon multiple  
20 claimants exceeds the limitations of this section, any party may  
21 apply to the district court which has jurisdiction of the cause to  
22 apportion to each claimant the claimant's proper share of the total  
23 amount as limited herein. The share apportioned to each claimant  
24 shall be in the proportion that the ratio of the award or settlement

1 made to him or her bears to the aggregate awards and settlements for  
2 all claims against the state or its political subdivisions arising  
3 out of the occurrence. When the amount of the aggregate losses  
4 presented by a single claimant exceeds the limits of paragraph 1 or  
5 2 of subsection A of this section, each person suffering a loss  
6 shall be entitled to that person's proportionate share.

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

12       F. 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. 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 H. In proceedings under the Governmental Tort Claims Act  
5 involving damage to property in which the judgment is rendered in  
6 favor of the plaintiff and compensation is to be awarded to the  
7 plaintiff, the court shall also award the plaintiff an additional  
8 sum to reimburse the plaintiff for reasonable costs and expenses  
9 including, but not limited to, reasonable attorney, appraisal, and  
10 engineering fees actually incurred because of such proceeding.

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

12 60-2-14290      AQH      12/15/25

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