

OKLAHOMA STATE SENATE
JOINT
COMMITTEE REPORT

CORRECTED

May 19, 2025

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB1168

By: Hall et al of the Senate and Caldwell (Trey) et al of the House

Title: Public finance; specifying certain duty of Director of Office of Management and Enterprise Services. Emergency.

Recommendation: **DO PASS AS AMENDED BY CS**

AYES: 21

Dossett, Gollihare, Goodwin, Green, Hall, Haste, Hicks, Howard, Jech, Kirt, Murdock, Pederson, Prieto, Rader, Reinhardt, Rosino, Sacchieri, Stanley, Stewart, Thompson, Weaver

NAYS: 0

CONSTITUTIONAL PRIVILEGE: 0

Senator Chuck Hall, Chair

AMD SB1168 PCS - ADOPTED (Request No: 2155)

**OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT**

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET COMMITTEE

SB1168

By: Caldwell (Trey) et al of the House
Hall et al of the Senate

Title: Public finance; specifying certain duty of Director of Office of Management and Enterprise Services. Emergency.

Coauthored By:

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached



Chr.
Representative Trey Caldwell

YEAS: 23

Bashore, Boles, Burns, Caldwell (C), Caldwell (T), Ford, Grego, Hilbert, Kane, Kendrix, Lawson, Manger, Miller, Moore, Newton, Osburn, Pae, Pfeiffer, Sterling, Strom, West (J), West (K), West (T)

NAYS: 6

Bennett, Blancett, Fugate, Munson, Provenzano, Ranson

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1168

By: Hall and Haste of the
Senate

and

Caldwell (Trey) and Kane of
the House

COMMITTEE SUBSTITUTE

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.

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

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

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

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

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

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

1 the claims of all other persons which are derivative
2 of the loss, and that multiple claimants shall be
3 considered a single claimant,

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

12 6. "Community health care provider" means:

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

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

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

15 a. Employee also includes:

- 16 (1) all elected or appointed officers, members of
17 governing bodies and other persons designated to
18 act for an agency or political subdivision, but
19 the term does not mean a person or other legal
20 entity while acting in the capacity of an
21 independent contractor or an employee of an
22 independent contractor,
23 (2) from September 1, 1991, through June 30, 1996,
24 licensed physicians, licensed osteopathic

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

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

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

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

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

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

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

21 (5) physicians who provide medical care to inmates
22 pursuant to a contract with the Department of
23 Corrections,
24

1 (6) any person who is licensed to practice medicine
2 pursuant to Title 59 of the Oklahoma Statutes,
3 who is under an administrative professional
4 services contract with the Oklahoma Health Care
5 Authority under the auspices of the Oklahoma
6 Health Care Authority Chief Medical Officer, and
7 who is limited to performing administrative
8 duties such as professional guidance for medical
9 reviews, reimbursement rates, service
10 utilization, health care delivery and benefit
11 design for the Oklahoma Health Care Authority,
12 only while acting within the scope of such
13 contract,

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

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

1 contract with the Department of Mental Health and
2 Substance Abuse Services, and

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

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

22 c. For the purposes of The Governmental Tort Claims Act,
23 employee shall include independent contractors and
24 employees of independent contractors while actively

1 engaged in the transport of individuals in need of
2 initial assessment, emergency detention, or protective
3 custody as authorized by Section 1-110 of Title 43A of
4 the Oklahoma Statutes.

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

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

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,
24

- 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~~ emergency services
3 provider rendering services ~~within the boundaries of a~~
4 ~~Supplemental Emergency Services District~~ pursuant to
5 an existing contract between the ~~Emergency Services~~
6 ~~Provider~~ emergency services provider and the State
7 Department of Health. Provided, however, that the
8 acquisition of commercial liability insurance covering
9 the activities of such ~~Emergency Services Provider~~
10 emergency services provider performed within this
11 state shall not operate as a waiver of any of the
12 limitations, immunities or defenses provided for
13 political subdivisions pursuant to the terms of The
14 Governmental Tort Claims Act,
- 15 l. for purposes of The Governmental Tort Claims Act only,
16 a conservation district created pursuant to the
17 provisions of the Conservation District Act,
- 18 m. for purposes of The Governmental Tort Claims Act,
19 districts formed pursuant to the Oklahoma Irrigation
20 District Act,
- 21 n. for purposes of The Governmental Tort Claims Act only,
22 any community action agency established pursuant to
23 Sections 5035 through ~~5040~~ 5040.1 of Title 74 of the
24 Oklahoma Statutes,

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

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

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

15 and all their institutions, instrumentalities or agencies;

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

22 ~~13.~~ 14. "State" means the State of Oklahoma or any office,
23 department, agency, authority, commission, board, institution,
24 hospital, college, university, public trust created pursuant to

1 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
2 the beneficiary, or other instrumentality thereof;

3 ~~14.~~ 15. "State active duty" shall be defined in accordance with
4 Section 801 of Title 44 of the Oklahoma Statutes;

5 ~~15.~~ 16. "State military forces" shall be defined in accordance
6 with Section 801 of Title 44 of the Oklahoma Statutes;

7 ~~16.~~ 17. "Title 32 active duty" shall be defined in accordance
8 with Section 801 of Title 44 of the Oklahoma Statutes; and

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

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

19 Section 154. A. The total liability of the state and its
20 political subdivisions on claims within the scope of The
21 Governmental Tort Claims Act, arising out of an accident or
22 occurrence happening after October 1, 1985, Section 151 et seq. of
23 this title, shall not exceed:
24

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

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

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

19 3. a. In no event shall the total liability of the state and
20 its political subdivisions for a claim for nuisance
21 exceed Two Hundred Seventy-five Thousand Dollars
22 (\$275,000.00) per occurrence.

23 b. In no event shall the total liability of the state and
24 its political subdivisions for a claim arising from

1 municipal sewer overflow exceed Two Hundred Seventy-
2 five Thousand Dollars (\$275,000.00) per occurrence;

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

1 Section 1-233 of Title 63 of the Oklahoma Statutes, the limits of
2 ~~the~~ liability shall be Two Hundred Thousand Dollars (\$200,000.00);
3 ~~or~~

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

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

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

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

- 21 a. the individual was charged, by indictment or
22 information, with the commission of a public offense
23 classified as a felony,
24

- 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 60-1-2155 TEK 5/20/2025 11:57:44 AM
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