

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1827

By: Howard

COMMITTEE SUBSTITUTE

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;  
modifying definitions; 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;

3. "Charitable health care provider" means a person who is  
licensed, certified, or otherwise authorized by the laws of this

1 state to administer health care in the ordinary course of business  
2 or the practice of a profession and who provides care to a medically  
3 indigent person, as defined in paragraph 9 of this section, with no  
4 expectation of or acceptance of compensation of any kind;

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

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

14 a. any person holding an interest in real or personal  
15 property which suffers a loss, provided that the claim  
16 of the person shall be aggregated with claims of all  
17 other persons holding an interest in the property and  
18 the claims of all other persons which are derivative  
19 of the loss, and that multiple claimants shall be  
20 considered a single claimant,

21 b. the individual actually involved in the accident or  
22 occurrence who suffers a loss, provided that the  
23 individual shall aggregate in the claim the losses of  
24 all other persons which are derivative of the loss, or

1           c.    in the case of death, an administrator, special  
2                    administrator or a personal representative who shall  
3                    aggregate in the claim all losses of all persons which  
4                    are derivative of the death;

5    6.    "Community health care provider" means:

6           a.    a health care provider who volunteers services at a  
7                    community health center that has been deemed by the  
8                    U.S. Department of Health and Human Services as a  
9                    federally qualified health center as defined by 42  
10                  U.S.C., Section 1396d(1)(2)(B),

11          b.    a health provider who provides services to an  
12                  organization that has been deemed a federally  
13                  qualified look-alike community health center, and

14          c.    a health care provider who provides services to a  
15                  community health center that has made application to  
16                  the U.S. Department of Health and Human Services for  
17                  approval and deeming as a federally qualified look-  
18                  alike community health center in compliance with  
19                  federal application guidance, and has received  
20                  comments from the U.S. Department of Health and Human  
21                  Services as to the status of such application with the  
22                  established intent of resubmitting a modified  
23                  application, or, if denied, a new application, no  
24                  later than six (6) months from the date of the

1 official notification from the U.S. Department of  
2 Health and Human Services requiring resubmission of a  
3 new application;

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

8 a. Employee also includes:

9 (1) all elected or appointed officers, members of  
10 governing bodies and other persons designated to  
11 act for an agency or political subdivision, but  
12 the term does not mean a person or other legal  
13 entity while acting in the capacity of an  
14 independent contractor or an employee of an  
15 independent contractor,

16 (2) from September 1, 1991, through June 30, 1996,  
17 licensed physicians, licensed osteopathic  
18 physicians and Certified Nurse-Midwives providing  
19 prenatal, delivery or infant care services to  
20 State Department of Health clients pursuant to a  
21 contract entered into with the State Department  
22 of Health in accordance with paragraph 3 of  
23 subsection C of Section 1-106 of Title 63 of the  
24 Oklahoma Statutes but only insofar as services

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

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

- 12 (1) physicians acting in an administrative capacity,  
13 (2) resident physicians and resident interns  
14 participating in a graduate medical education  
15 program of the University of Oklahoma Health  
16 Sciences Center, the Oklahoma State University  
17 College of Osteopathic Medicine, a public trust  
18 created pursuant to Section 3224 of Title 63 of  
19 the Oklahoma Statutes and any sole member not-  
20 for-profit corporation of the public trust and  
21 any sole member not-for-profit subsidiary of such  
22 corporation, or the Department of Mental Health  
23 and Substance Abuse Services,  
24

- 1 (3) faculty members and staff of the University of  
2 Oklahoma Health Sciences Center, the Oklahoma  
3 State University College of Osteopathic Medicine,  
4 or a public trust created pursuant to Section  
5 3224 of Title 63 of the Oklahoma Statutes and any  
6 sole member not-for-profit corporation of the  
7 public trust and any sole member not-for-profit  
8 subsidiary of such corporation, while engaged in  
9 teaching duties,
- 10 (4) physicians who practice medicine or act in an  
11 administrative capacity as an employee of an  
12 agency of this state,
- 13 (5) physicians who provide medical care to inmates  
14 pursuant to a contract with the Department of  
15 Corrections,
- 16 (6) any person who is licensed to practice medicine  
17 pursuant to Title 59 of the Oklahoma Statutes,  
18 who is under an administrative professional  
19 services contract with the Oklahoma Health Care  
20 Authority under the auspices of the Oklahoma  
21 Health Care Authority Chief Medical Officer, and  
22 who is limited to performing administrative  
23 duties such as professional guidance for medical  
24 reviews, reimbursement rates, service

utilization, health care delivery and benefit design for the Oklahoma Health Care Authority, only while acting within the scope of such contract,

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

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

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

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

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

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

23 e. For purposes of The Governmental Tort Claims Act,  
24 members of the state military forces on state active



1 duty orders or on Title 32 active duty orders are  
2 employees of this state, regardless of the place,  
3 within or outside this state, where their duties as  
4 employees are performed;

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

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

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

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

20 12. "Political subdivision" means:

21 a. a municipality,

22 b. a school district, including, but not limited to, a  
23 technology center school district established pursuant  
24 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of

1 the Oklahoma Statutes, or a public library as defined  
2 pursuant to Section 1-104 of Title 65 of the Oklahoma  
3 Statutes,

4 c. a county,

5 d. a public trust where the sole beneficiary or  
6 beneficiaries are a city, town, school district or  
7 county. For purposes of The Governmental Tort Claims  
8 Act, a public trust shall include:

9 (1) a municipal hospital created pursuant to Sections  
10 30-101 through 30-109 of Title 11 of the Oklahoma  
11 Statutes, a county hospital created pursuant to  
12 Sections 781 through 796 of Title 19 of the  
13 Oklahoma Statutes, or is created pursuant to a  
14 joint agreement between such governing  
15 authorities, that is operated for the public  
16 benefit by a public trust created pursuant to  
17 Sections 176 through 180.4 of Title 60 of the  
18 Oklahoma Statutes and managed by a governing  
19 board appointed or elected by the municipality,  
20 county, or both, who exercises control of the  
21 hospital, subject to the approval of the  
22 governing body of the municipality, county, or  
23 both,

1 (2) a public trust created pursuant to Sections 176  
2 through 180.4 of Title 60 of the Oklahoma  
3 Statutes after January 1, 2009, the primary  
4 purpose of which is to own, manage, or operate a  
5 public acute care hospital in this state that  
6 serves as a teaching hospital for a medical  
7 residency program provided by a college of  
8 osteopathic medicine and provides care to  
9 indigent persons, ~~and~~

10 (3) a corporation in which all of the capital stock  
11 is owned, or a limited liability company in which  
12 all of the member interest is owned, by a public  
13 trust, and

14 (4) a public trust created pursuant to Section 3224  
15 of Title 63 of the Oklahoma Statutes and any sole  
16 member not-for-profit corporation of the public  
17 trust and any sole member not-for-profit  
18 subsidiary of such corporation,

19 e. for the purposes of The Governmental Tort Claims Act  
20 only, a housing authority created pursuant to the  
21 provisions of the Oklahoma Housing Authorities Act,

22 f. for the purposes of The Governmental Tort Claims Act  
23 only, corporations organized not for profit pursuant  
24 to the provisions of the Oklahoma General Corporation

1 Act for the primary purpose of developing and  
2 providing rural water supply and sewage disposal  
3 facilities to serve rural residents,

4 g. for the purposes of The Governmental Tort Claims Act  
5 only, districts formed pursuant to the Rural Water,  
6 Sewer, Gas and Solid Waste Management Districts Act,

7 h. for the purposes of The Governmental Tort Claims Act  
8 only, master conservancy districts formed pursuant to  
9 the Conservancy Act of Oklahoma,

10 i. for the purposes of The Governmental Tort Claims Act  
11 only, a fire protection district created pursuant to  
12 the provisions of Section 901.1 et seq. of Title 19 of  
13 the Oklahoma Statutes,

14 j. for the purposes of The Governmental Tort Claims Act  
15 only, a benevolent or charitable corporate volunteer  
16 or full-time fire department for an unincorporated  
17 area created pursuant to the provisions of Section 592  
18 et seq. of Title 18 of the Oklahoma Statutes,

19 k. for purposes of The Governmental Tort Claims Act only,  
20 an emergency services provider rendering services  
21 pursuant to an existing contract between the emergency  
22 services provider and the State Department of Health.  
23 Provided, however, that the acquisition of commercial  
24 liability insurance covering the activities of such

1 emergency services provider performed within this  
2 state shall not operate as a waiver of any of the  
3 limitations, immunities or defenses provided for  
4 political subdivisions pursuant to the terms of The  
5 Governmental Tort Claims Act,

6 l. for purposes of The Governmental Tort Claims Act only,  
7 a conservation district created pursuant to the  
8 provisions of the Conservation District Act,

9 m. for purposes of The Governmental Tort Claims Act,  
10 districts formed pursuant to the Oklahoma Irrigation  
11 District Act,

12 n. for purposes of The Governmental Tort Claims Act only,  
13 any community action agency established pursuant to  
14 Sections 5035 through 5040.1 of Title 74 of the  
15 Oklahoma Statutes,

16 o. for purposes of The Governmental Tort Claims Act only,  
17 any organization that is designated as a youth  
18 services agency, pursuant to Section 2-7-306 of Title  
19 10A of the Oklahoma Statutes,

20 p. for purposes of The Governmental Tort Claims Act only,  
21 any judge presiding over a drug court, as defined by  
22 Section 471.1 of Title 22 of the Oklahoma Statutes,  
23  
24

- 1           q.   for purposes of The Governmental Tort Claims Act only,  
2               any child-placing agency licensed by this state to  
3               place children in foster family homes,
- 4           r.   for purposes of The Governmental Tort Claims Act only,  
5               a circuit engineering district created pursuant to  
6               Section 687.1 of Title 69 of the Oklahoma Statutes,
- 7           s.   for purposes of The Governmental Tort Claims Act only,  
8               a substate planning district, regional council of  
9               government or other entity created pursuant to Section  
10              1001 et seq. of Title 74 of the Oklahoma Statutes, and
- 11          t.   for purposes of The Governmental Tort Claims Act only,  
12              a regional transportation authority created pursuant  
13              to Section 1370.7 of Title 68 of the Oklahoma Statutes  
14              including its contract operator and any railroad  
15              operating in interstate commerce that sells a property  
16              interest or provides services to a regional  
17              transportation authority or allows the authority to  
18              use the property or tracks of the railroad for the  
19              provision of public passenger rail service to the  
20              extent claims against the contract operator or  
21              railroad arise out of or are related to or in  
22              connection with such property interest, services or  
23              operation of the public passenger rail service.  
24              Provided, the acquisition of commercial liability

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  
24

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. This act shall become effective November 1, 2026.

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