

OKLAHOMA STATUTES  
TITLE 51. OFFICERS

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§51-1. Beginning of term - Time of qualifying.

Except when otherwise specially provided, the regular term of all officers elected under the laws of the state, when elected to a full term, shall commence on the second Monday of January next succeeding their election, and any officer so elected shall qualify and enter upon the duties of his office on said date or within ten (10) days thereafter; but if the office to which any person is elected be vacant at the time of his election or becomes vacant before his time for qualifying, even if he were not elected to fill the vacancy, he shall forthwith qualify and enter upon the duties of his office. R.L. 1910, § 4269.

§51-2. Repealed by Laws 2004, c. 408, § 2, eff. Nov. 1, 2004.

§51-3. Repealed by Laws 1945, p. 154, § 2.

§51-3.1. Failure to qualify - Filling vacancy - Temporary appointment in case of military service.

When any person elected to a public office has died or failed to qualify and enter upon the duties of such office for any reason or cause at the time and in the manner provided by law, and for six (6) months or more thereafter has not qualified and entered upon the duties of said office, such public office shall be deemed vacant and shall be filled by the officer or board authorized to fill such vacancy, provided, however, that any appointment made under the provisions of this section to fill an office of any person who has failed to qualify on account of military service shall be only for the period of enforced absence of said person, or until said person qualifies for said office. The person holding over in such office shall surrender the same to the person so appointed upon his

qualifying for said office as provided by law. The provisions of this act shall be retroactive as well as prospective in its operation.

Added by Laws 1945, p. 154, § 1.

§51-4. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-5. Rights of parties in contest.

If there be a contest over the election, between a person holding an office, who was voted for at the polls for election, and some other competitor for the same office, the one shown by the election returns to have been elected, shall, after qualifying and giving bond as required by law, and on demand, be entitled to the possession of the office, and perform the duties pending the determination of the contest. When the contest is determined, the successful party shall, on qualifying and giving bond, and on demand, be entitled to the office. The salary shall, after the contest is determined, be paid to the rightful claimant of the office, and if paid in fees, the incumbent, if defeated in the contest, shall be liable therefor on his official bond to the rightful claimant. When the contest is determined adversely to the occupant of the office, or if the former officer was not voted for for re-election, or does not contest the election, then he shall at once, at the expiration of his term, and on demand, surrender the office to the successor elected, when he has qualified and given bond as required by law, and on his failure so to surrender the office he shall be deemed guilty of a misdemeanor, and upon conviction, shall be imprisoned in the county jail not less than thirty (30) days, nor more than six (6) months, and shall be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), and each and every week the officer so holds over shall be deemed a separate offense.

R.L. 1910, § 4273.

§51-6. Officers and deputies not to hold other offices - Exemptions.

A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:

1. Notaries public;
2. Members of the State Textbook Committee;
3. County free fair board members;
4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by

resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;

5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;

6. Any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act;

7. Any trustee of a public trust, who is appointed as a trustee of a different public trust or any trustee of the Tulsa County Public Facilities Authority who may also be employed by the Department of Transportation;

8. Law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;

9. Any member of the Oklahoma Highway Patrol Division of the Department of Public Safety who is elected to a local board of education;

10. Any employee of the Oklahoma State Bureau of Investigation who is elected to a local board of education;

11. Any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the Department of Corrections who is elected or appointed to a city council;

12. Any trustee or director of a rural electric cooperative, or port authority who is appointed or elected to a state, county or municipal board, commission or similar entity;

13. County employees who are elected as members of town or city councils;

14. Municipal, county, state or tribal law enforcement or peace officers operating under cross-deputization agreements with an Indian tribe or branch of the federal government;

15. Municipal or county law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by resolution adopted by the governing body of the municipality or

county and the governing board of the institution of higher education;

16. State law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by written agreement between the Commissioner of Public Safety and the governing board of the institution of higher education;

17. Municipal, county and state law enforcement officers serving in positions as part-time or seasonal rangers or peace officers under the Oklahoma Tourism and Recreation Department or the Grand River Dam Authority;

18. Members of the University Hospitals Authority;

19. Any person holding a state or county office or position who is a reserve force deputy sheriff, or a reserve special agent with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a reserve municipal police officer;

20. Any person holding a state office or position who serves as a special assistant district attorney without compensation;

21. Any elected or appointed member of a local school board who is a member of a municipal planning commission;

22. Any elected or appointed member of a local school board who is a member or an officer of a volunteer fire department;

23. Directors or officers of a rural water district and chiefs of municipal fire departments or rural fire districts who are appointed or elected to an unsalaried office in a state, county, municipal, school, or technology center school board, commission, or similar entity, except where the duties of the office would create a conflict of interest;

24. Any person who is a dispatcher or confinement officer at a municipal or county jail who is a noncompensated reserve municipal police officer or a reserve deputy sheriff;

25. Any person who is an assistant district attorney serving as a municipal judge or prosecutor;

26. Any park ranger under the Oklahoma Tourism and Recreation Department or any game warden or reserve game warden employed by the Department of Wildlife Conservation who is elected or appointed to a local board of education or to a municipal governing body, board, commission or similar entity;

27. Members of the Oklahoma State University Medical Center Authority, the Oklahoma State University Medical Trust or the State Board of Osteopathic Examiners;

28. Any member of the state Legislature or any state officer who serves on the board of trustees of the Oklahoma School for the Visual and Performing Arts; and

29. Members of the Council on Judicial Complaints.



The provisions of this section shall not prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center for the Advancement of Science and Technology. The provisions of this section shall not prohibit a member of the board of directors of the Oklahoma Center for the Advancement of Science and Technology from serving upon the board of Oklahoma Futures.

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

R.L. 1910, § 4274. Amended by Laws 1929, c. 255, p. 363, § 1; Laws 1939, p. 22, § 1, emerg. eff. April 27, 1939; Laws 1981, c. 47, § 1, emerg. eff. April 13, 1981; Laws 1986, c. 207, § 54, operative July 1, 1986; Laws 1987, c. 222, § 116, operative July 1, 1987; Laws 1987, c. 236, § 128, emerg. eff. July 20, 1987; Laws 1989, c. 357, § 1, emerg. eff. June 3, 1989; Laws 1990, c. 230, § 1, eff. Sept. 1, 1990; Laws 1991, c. 202, § 1, emerg. eff. May 17, 1991; Laws 1991, c. 298, § 9, operative July 1, 1991; Laws 1992, c. 43, § 1, eff. Sept. 1, 1992; Laws 1992, c. 373, § 11, eff. July 1, 1992; Laws 1993, c. 331, § 3, eff. July 1, 1993; Laws 1994, c. 2, § 18, emerg. eff. March 2, 1994; Laws 1995, c. 127, § 1, emerg. eff. April 27, 1995; Laws 1996, c. 24, § 5, emerg. eff. April 3, 1996; Laws 1997, c. 317, § 1, emerg. eff. May 29, 1997; Laws 1998, c. 184, § 1, eff. July 1, 1998; Laws 2000, c. 162, § 1, eff. Nov. 1, 2000; Laws 2001, c. 33, § 39, eff. July 1, 2001; Laws 2001, c. 414, § 6, eff. Nov. 1, 2001; Laws 2002, c. 389, § 2, emerg. eff. June 4, 2002; Laws 2003, c. 387, § 4, emerg. eff. June 4, 2003; Laws 2004, c. 51, § 1, emerg. eff. April 1, 2004; Laws 2007, c. 170, § 1, emerg. eff. May 31, 2007; Laws 2009, c. 453, § 4; Laws 2010, c. 43, § 1, eff. Nov. 1, 2010; Laws 2012, c. 118, § 1, eff. Nov. 1, 2012; Laws 2013, c. 288, § 1, emerg. eff. May 15, 2013; Laws 2015, c. 269, § 1; Laws 2016, c. 297, § 1, eff. July 1, 2016; Laws 2017, c. 75, § 1, eff. Nov. 1, 2017; Laws 2018, c. 304, § 17, emerg. eff. May 10, 2018.

NOTE: Laws 1992, c. 2, § 2 repealed by Laws 1992, c. 373, § 22, eff. July 1, 1992. Laws 1993, c. 330, § 22 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994. Laws 2001, c. 19, § 1 repealed by Laws 2001, c. 414, § 16, eff. Nov. 1, 2001. Laws 2017, c. 114, § 1 repealed by Laws 2018, c. 304, § 18, emerg. eff. May 10, 2018.

§51-6.1. Repealed by Laws 1996, c. 5, § 6, eff. April 1, 1996.

§51-7. Place of office.

It shall be unlawful for any officer elected or appointed under the laws of the state to keep the books, papers, records, or other public property used in his office, at any place other than that in which he is required by law to keep said office.

R.L. 1910, § 4275.

§51-8. Office vacant, when.

Every office shall become vacant on the happening of any one of the following events before the expiration of the term of such office:

First. The death of the incumbent or his resignation.

Second. His removal from office or failure to qualify as required by law.

Third. Whenever any final judgment shall be obtained against him for a breach of his official bond.

Fourth. Ceasing to be a resident of the state, county, township, city or town, or of any district thereof, in which the duties of his office are to be exercised or for which he may have been elected or appointed.

Fifth. Conviction in a state or federal court of competent jurisdiction of any felony or any offense involving a violation of his official oath; provided, that no conviction, as a cause of vacation of office, shall be deemed complete so long as an appeal may be pending, or until final judgment is rendered thereon.

Sixth. Upon entering of a plea of guilty or nolo contendere in a state or federal court of competent jurisdiction for any felony or any offense involving a violation of his official oath.

The fact by reason whereof the vacancy arises shall be determined by the authority authorized to fill such vacancy.

R.L. 1910, § 4276. Amended by Laws 1941, p. 211, § 1, emerg. eff. May 16, 1941; Laws 1957, p. 450, § 1, emerg. eff. June 1, 1957; Laws 1981, 1st Ex.Sess., c. 1, § 1, emerg. eff. Sept. 8, 1981.

§51-9. Resignations.

Resignations may be made as follows:

1. Of state officers, officers of districts of the state, and county commissioners, to the Governor.

2. Of members of the Legislature, to the presiding officers of their branches respectively, when in session, and when not in session, to the Governor; and when made to the presiding officer he shall at once notify the Governor thereof.

3. Of the officers of the Legislature, to the respective branches thereof.

4. Of elective county officers, by filing or depositing such resignation in writing in the office of the county clerk, except that of county clerk, which shall be filed or deposited with the board of

county commissioners, which resignations, unless a different time is fixed therein, shall take effect upon such filing or deposit.

5. Of officers of districts of the county and officers of municipal townships, to the board of county commissioners.

6. Of officers holding their offices by appointment, to the body, board, court or officer that appointed them.

R.L. 1910, § 4277.

#### §51-10. Vacancies - Appointments - Special elections.

A. All vacancies in state offices, except in offices of the members of the Legislature, members of the House of Representatives from Oklahoma in the Congress of the United States of America and members of the Senate of the United States of America, shall be filled by appointment by the Governor. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, the Governor shall, in filling such vacancy, utilize the services of the Judicial Nominating Commission in the manner as provided for in the filling of judicial offices under Section 4, Article 7B of the Oklahoma Constitution.

B. All vacancies in county offices except the board of county commissioners or except for any elective county office of any county in the State of Oklahoma having a population of more than six hundred thousand (600,000), according to the latest Federal Decennial Census shall be filled by appointment by the board of county commissioners. If such an appointment is made prior to the prescribed filing period for county officers in accordance with the provisions of Section 131 of Title 19 of the Oklahoma Statutes, the county commissioners shall, at the time said appointment is made, proclaim a special election to fill the balance of the unexpired term, providing the balance of the term does not expire in the year following the next succeeding general election. In making the proclamation, the county commissioners shall establish the dates for the filing period, primary election, runoff primary election and general election to be the same as the next succeeding filing period, primary election, runoff primary election and general election for county officers. The appointee shall be eligible to become a candidate at said special election, providing said appointee is otherwise qualified. The office to be filled shall be printed on the same ballot as other county offices.

R.L. 1910, § 4278. Amended by Laws 1933, c. 166, p. 383, § 1, emerg. eff. April 26, 1933; Laws 1965, c. 116, § 1, emerg. eff. May 24, 1965; Laws 1968, c. 49, § 1, emerg. eff. March 18, 1968; Laws 1971, c. 107, § 1, emerg. eff. April 27, 1971; Laws 1978, c. 20, § 1, emerg. eff. March 8, 1978; Laws 1980, c. 272, § 28, eff. July 1, 1980; Laws 1985, c. 178, § 22, operative July 1, 1985; Laws 1993, c. 316, § 14, eff. Sept. 1, 1993; Laws 2000, c. 167, § 1, eff. April 1, 2001.

§51-11. Vacancy within thirty days of election.

If a vacancy occurs within thirty (30) days previous to an election day at which it may be filled, no appointment shall be made unless it be necessary to carry out said election and the canvass of the same according to law; in that case an appointment may be made at any time previous to said election to hold until after said election or until his successor is elected and qualified.

R.L. 1910, § 4279.

§51-12. Repealed by Laws 1965, c. 116, § 4, eff. May 24, 1965.

§51-12.1. Deceased officer's spouse - Eligibility for appointment.

If any officer of the state, district, county, city, town or other governmental subdivision of this state shall die while in office, and shall leave a surviving spouse, the said surviving spouse shall be eligible (if otherwise qualified) to be appointed to and to hold said office during the term for which the said officer was elected or appointed, regardless of the degree of relationship by either affinity or consanguinity to the appointing officer or to any member of the appointing board, commission, or other appointing authority, and it shall not be unlawful for any officer, board, commission, appointing authority, or member thereof to appoint or vote for the appointment of said surviving spouse to said office during said term, regardless of any such relationship.

Added by Laws 1953, p. 218, § 1. Amended by Laws 1975, c. 268, § 1, emerg. eff. June 5, 1975.

§51-13. How appointments made.

Appointments under the provisions of this chapter shall be made in writing and filed with the Secretary of State or with the proper county officer.

R.L. 1910, § 4280.

§51-14. Appointees to qualify.

Persons appointed to offices as herein provided, shall qualify in the same manner as is required of those elected, the time of which shall be prescribed in their appointments.

R.L. 1910, § 4281.

§51-15. Term of appointed officer.

Every appointed officer shall hold his office until the end of the term for which the officer whom he succeeds was elected or appointed, and until his successor is elected and qualified.

R.L. 1910, § 4282.

§51-16. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-17. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-18. Violating Sections 16 and 17 - Penalty.

Any officer violating any of the provisions of the two preceding sections, upon conviction, shall be imprisoned for any period not more than one (1) year, and fined in any sum not exceeding One Hundred Dollars (\$100.00).

R.L. 1910, § 4285.

§51-19. Successor to receive records, etc.

Upon the death, resignation, suspension or removal from office of any officer, or upon the expiration of his term, all public monies, books, records, accounts, papers, documents and property of other kind in his hands or held by him by virtue of his office, shall be delivered to his successor.

R.L. 1910, § 4286.

§51-20. Books turned over to successor before salary paid.

No officer who receives, for the use of his office, the statutes, state reports, digests or other books, shall be entitled to receive a warrant for the payment of his salary for the last month of his term of service until he shall have filed with the person issuing such warrant a receipt from his successor in office, showing all of such books to be in said office.

R.L. 1910, § 4287.

§51-21. Oaths, officers authorized to administer.

The following officers are authorized to administer oaths:

1. Justices of the Supreme Court and Judges of the Court of Criminal Appeals.

2. The Clerk of the Supreme Court and the Court of Criminal Appeals.

3. Judges and clerks of the district, superior and county courts, and other courts of record within their respective districts or counties.

4. County clerks and their deputies, and county commissioners, within their respective counties.

5. Justices of the peace and notaries public within their respective counties.

6. Sheriffs and their deputies in cases where they are authorized by law to select commissioners or appraisers, or to impanel juries for the view or appraisal of property, or are directed as an official duty to have property appraised, or to take the answers of garnishees, or are authorized to take delivery bonds.

7. Such other officers as are authorized by law in special cases.

8. Clerks of boards of education, city auditor, city and town clerks.

9. Court clerks, deputy clerks, or violations bureau clerks as shall be appointed by judges of courts not of record.

R.L. 1910, § 4288. Amended by Laws 1963, c. 343, § 1, emerg. eff. June 24, 1963; Laws 1967, c. 156, § 1, emerg. eff. May 1, 1967.

§51-22. Violations are misdemeanors.

Any officer violating any of the provisions of this chapter, except as herein otherwise provided, is guilty of a misdemeanor.

R.L. 1910, § 4289.

§51-23. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-24. Repealed by Laws 1985, c. 355, § 19, eff. Nov. 1, 1985.

§51-24.1. Suspension or forfeiture of office or employment upon conviction of felony - Vacancy - Salary and benefits - Governor notified in writing.

A. Any elected or appointed state or county officer or employee who, during the term for which he or she was elected or appointed, is, or has been, found guilty by a trial court of a felony in a state or federal court of competent jurisdiction shall be automatically suspended from the office or employment.

B. The Governor shall appoint an interim successor to serve during the period of suspension of any county commissioner or any state officer other than a member of the State Legislature.

C. A vacancy created by the suspension of a member of the State Legislature shall be filled as provided in Section 20 of Article V of the Oklahoma Constitution.

D. A vacancy created by the suspension of a county officer other than a county commissioner shall be filled as provided by Section 10 of this title.

E. In the event any elected or appointed state or county officer or employee who, during the term for which he or she was elected or appointed, pleads guilty or nolo contendere to a felony or any offense involving a violation of his or her official oath in a state or federal court of competent jurisdiction, he or she shall, immediately upon the entry of the plea, forfeit the office or employment.

F. Any such officer or employee upon final conviction of, or pleading guilty or nolo contendere to, a felony in a state or federal court of competent jurisdiction shall vacate such office or employment and if such felony is for bribery, corruption, forgery or perjury or any other crime related to the duties of his or her office or employment, or related to campaign contributions or campaign financing for that or any other office, shall forfeit all benefits of

the office or employment, including, but not limited to, retirement benefits provided by law, however, the forfeiture of retirement benefits shall not occur if any such officer or employee received a deferred sentence, but retirement benefits shall not commence prior to completion of the deferred sentence. The forfeiture of retirement benefits required by this subsection shall not include such officer's or employee's contributions to the retirement system or retirement benefits that are vested on the effective date of this act.

G. The forfeiture of retirement benefits as provided by subsection F of this section shall also apply to any such officer or employee who, after leaving the office or employment, is convicted of, or pleads guilty or nolo contendere to, in a state or federal court of competent jurisdiction, a felony committed while in such office or employment, where the felony is for bribery, corruption, forgery or perjury or any other crime related to the duties of his or her office or employment, or related to campaign contributions or campaign financing for that or any other office.

H. Any claims for payment of salary or wages, or any claims for payment of any other benefits, to any such officer or employee suspended from or forfeiting his or her office or employment shall be rejected by the proper authority.

I. Such suspension or forfeiture shall continue until such time as the conviction or guilty plea is reversed by the highest appellate court to which the officer or employee may appeal.

J. The attorney responsible for prosecuting such elected or appointed state or county officers or employees shall notify the retirement system in which such officer or employee is enrolled of the forfeiture of such officer's or employee's retirement benefits. Upon receipt of the notice of forfeiture, the retirement system shall immediately suspend all benefits of the officer or employee, and notify the officer or employee of his or her right to a hearing to review whether the conviction or plea qualifies for forfeiture of benefits under this section. If the conviction or plea occurs in federal court or the notice of forfeiture is not forthcoming from the State prosecutor, the retirement system may investigate and gather court documents and contact prosecutors to determine whether the conviction or plea qualifies under this section. Upon obtaining sufficient documentation of the conviction or plea, the retirement system shall immediately suspend all benefits of the officer or employee, and notify the officer or employee of his or her right to a hearing to review whether the conviction or plea qualifies for forfeiture of benefits under this section.

K. Within three (3) days of the conviction or plea of guilty or nolo contendere of a county commissioner, the district attorney of the county where such county commissioner served shall notify the Governor, in writing, of the suspension, the date of conviction or

plea of guilty or nolo contendere resulting in suspension, and the felony committed.

L. Within three (3) days of the conviction or plea of guilty or nolo contendere of an elected or appointed state officer, the attorney responsible for prosecuting such state officer, shall notify the Governor in writing of the suspension, the date of conviction or plea of guilty or nolo contendere resulting in suspension, and the felony committed.

Added by Laws 1965, c. 345, § 1, emerg. eff. June 28, 1965. Amended by Laws 1981, 1st Ex. Sess., c. 1, § 3, emerg. eff. Sept. 8, 1981; Laws 1987, c. 30, § 1, eff. Nov. 1, 1987; Laws 1998, c. 419, § 8, eff. July 1, 1998; Laws 2009, c. 77, § 1, eff. July 1, 2009.

§51-24.2. Repealed by Laws 1981, 1st Ex. Sess., c. 1, § 8, emerg. eff. Sept. 8, 1981.

§51-24.3. Sale of real or personal property to state or political subdivision by certain persons prohibited.

No person, firm or corporation who is convicted of or pleads guilty to a felony involving fraud, bribery, corruption or sales to the state or to any of its political subdivisions may make sale of real or personal property to the state or any political subdivision thereof.

Added by Laws 1981, 1st Ex. Sess., c. 1, § 2, emerg. eff. Sept. 8, 1981.

§51-24.4. Directives interpreting county purchasing procedure to be issued.

Prior to November 1, 1981, the State Auditor and Inspector shall issue written directives to all county clerks specifying the State Auditor and Inspector's interpretation of county purchasing procedures contained in the Oklahoma Statutes. These directives shall be updated at such times as the State Auditor and Inspector deems necessary. Such directives shall be advisory only.

Added by Laws 1981, 1st Ex. Sess., c. 1, § 6, emerg. eff. Sept. 8, 1981.

§51-24A.1. Short title.

Section 24A.1 et seq. of this title shall be known and may be cited as the "Oklahoma Open Records Act".

Added by Laws 1985, c. 355, § 1, eff. Nov. 1, 1985. Amended by Laws 1988, c. 68, § 1, eff. Nov. 1, 1988; Laws 1988, c. 187, § 1, emerg. eff. June 6, 1988; Laws 1996, c. 247, § 41, eff. July 1, 1996; Laws 1997, c. 2, § 10, emerg. eff. Feb. 26, 1997.

NOTE: Laws 1996, c. 209, § 1 repealed by Laws 1997, c. 2, § 26, emerg. eff. Feb. 26, 1997.



§51-24A.2. Public policy - Purpose of act.

As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government. The Oklahoma Open Records Act shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy; nor shall the Oklahoma Open Records Act, except as specifically set forth in the Oklahoma Open Records Act, establish any procedures for protecting any person from release of information contained in public records. The purpose of this act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power. The privacy interests of individuals are adequately protected in the specific exceptions to the Oklahoma Open Records Act or in the statutes which authorize, create or require the records. Except where specific state or federal statutes create a confidential privilege, persons who submit information to public bodies have no right to keep this information from public access nor reasonable expectation that this information will be kept from public access; provided, the person, agency or political subdivision shall at all times bear the burden of establishing such records are protected by such a confidential privilege. Except as may be required by other statutes, public bodies do not need to follow any procedures for providing access to public records except those specifically required by the Oklahoma Open Records Act.

Added by Laws 1985, c. 355, § 2, eff. Nov. 1, 1985. Amended by Laws 1988, c. 187, § 2, emerg. eff. June 6, 1988.

§51-24A.3. Definitions.

As used in the Oklahoma Open Records Act:

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean:
  - a. computer software,
  - b. nongovernment personal effects,
  - c. unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Transportation Authority obtained in connection with the Authority's electronic toll collection system,

- d. personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body,
- e. any digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority,
- f. any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department or the Board of Trustees of the Quartz Mountain Arts and Conference Center and Nature Park to obtain any service at the facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department or the Quartz Mountain Arts and Conference Center and Nature Park,
- g. a Department of Defense Form 214 (DD Form 214) filed with a county clerk, including any DD Form 214 filed before July 1, 2002, or
- h. except as provided for in Section 2-110 of Title 47 of the Oklahoma Statutes,
  - (1) any record in connection with a Motor Vehicle Report issued by the Department of Public Safety, as prescribed in Section 6-117 of Title 47 of the Oklahoma Statutes, or
  - (2) personal information within driver records, as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, which are stored and maintained by the Department of Public Safety;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust or any entity created by a trust, county, city, village, town, township, district, school district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the Council on Judicial Complaints, the Legislature, or legislators;

3. "Public office" means the physical location where public bodies conduct business or keep records;

4. "Public official" means any official or employee of any public body as defined herein; and

5. "Law enforcement agency" means any public body charged with enforcing state or local criminal laws and initiating criminal prosecutions, including, but not limited to, police departments, county sheriffs, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

Added by Laws 1985, c. 355, § 3, eff. Nov. 1, 1985. Amended by Laws 1987, c. 222, § 117, operative July 1, 1987; Laws 1988, c. 187, § 3, emerg. eff. June 6, 1988; Laws 1993, c. 39, § 1, eff. Sept. 1, 1993; Laws 1996, c. 209, § 2, eff. Nov. 1, 1996; Laws 1998, c. 315, § 4, emerg. eff. May 28, 1998; Laws 1998, c. 368, § 11, eff. July 1, 1998; Laws 2001, c. 355, § 1, emerg. eff. June 1, 2001; Laws 2002, c. 478, § 2, eff. July 1, 2002; Laws 2003, c. 3, § 42, emerg. eff. March 19, 2003; Laws 2004, c. 328, § 1, eff. July 1, 2004; Laws 2005, c. 199, § 4, eff. Nov. 1, 2005; Laws 2014, c. 266, § 2, eff. Nov. 1, 2014.

NOTE: Laws 2002, c. 293, § 3 repealed by Laws 2003, c. 3, § 43, emerg. eff. March 19, 2003.

§51-24A.4. Record of receipts and expenditures.

In addition to other records which are kept or maintained, every public body and public official has a specific duty to keep and maintain complete records of the receipt and expenditure of any public funds reflecting all financial and business transactions relating thereto, except that such records may be disposed of as provided by law.

Added by Laws 1985, c. 355, § 4, eff. Nov. 1, 1985.

§51-24A.5. Inspection, copying and/or mechanical reproduction of records - Exemptions.

All records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30 of this title, does not apply to records specifically required by law to be kept confidential including:

- a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges,
- b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act,
- c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725,

- d. information in the files of the Board of Medicolegal Investigations obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma Statutes that may be hearsay, preliminary unsubstantiated investigation-related findings, or confidential medical information, or
- e. any test forms, question banks and answer keys developed for state licensure examinations, but specifically excluding test preparation materials or study guides;

2. All Social Security numbers included in a record may be confidential regardless of the person's status as a public employee or private individual and may be redacted or deleted prior to release of the record by the public body;

3. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions; provided however, the Department of Public Safety shall not be required to assemble for the requesting person specific information, in any format, from driving records relating to any person whose name and date of birth or whose driver license number is not furnished by the requesting person.

The Oklahoma State Bureau of Investigation shall not be required to assemble for the requesting person any criminal history records relating to persons whose names, dates of birth, and other identifying information required by the Oklahoma State Bureau of Investigation pursuant to administrative rule are not furnished by the requesting person;

4. Any request for a record which contains individual records of persons, and the cost of copying, reproducing or certifying each individual record is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of record copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall the record copying fee exceed twenty-five cents (\$0.25) per page for records having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:

- a. is solely for commercial purpose, or
- b. would clearly cause excessive disruption of the essential functions of the public body,

then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the

news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

Any public body establishing fees under this act shall post a written schedule of the fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information;

5. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, the index shall not be copied or mechanically reproduced for the purpose of sale of the information;

6. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions. A delay in providing access to records shall be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions. In no event may production of a current request for records be unreasonably delayed until after completion of a prior records request that will take substantially longer than the current request. Any public body which makes the requested records available on the Internet shall meet the obligation of providing prompt, reasonable access to its records as required by this paragraph; and

7. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during the regular business hours of the public body.

Added by Laws 1985, c. 355, § 5, eff. Nov. 1, 1985. Amended by Laws 1986, c. 213, § 1, emerg. eff. June 6, 1986; Laws 1986, c. 279, § 29, operative July 1, 1986; Laws 1988, c. 187, § 4, emerg. eff. June 6, 1988; Laws 1992, c. 231, § 2, emerg. eff. May 19, 1992; Laws 1993, c. 97, § 7, eff. Sept. 1, 1993; Laws 1996, c. 209, § 3, eff. Nov. 1, 1996; Laws 2000, c. 342, § 8, eff. July 1, 2000; Laws 2001, c. 137, §

1, emerg. eff. April 24, 2001; Laws 2005, c. 199, § 5, eff. Nov. 1, 2005; Laws 2006, c. 16, § 34, emerg. eff. March 29, 2006; Laws 2015, c. 370, § 1, emerg. eff. June 4, 2015; Laws 2016, c. 54, § 1, eff. Nov. 1, 2016; Laws 2016, c. 192, § 1, eff. Nov. 1, 2016; Laws 2017, c. 202, § 1, eff. Nov. 1, 2017.

NOTE: Laws 2005, c. 223, § 1 repealed by Laws 2006, c. 16, § 35, emerg. eff. March 29, 2006.

§51-24A.6. Public body maintaining less than 30 hours of regular business per week - Inspection, copying or mechanical reproduction of records.

A. If a public body or its office does not have regular business hours of at least thirty (30) hours a week, the public body shall post and maintain a written notice at its principal office and with the county clerk where the public body is located which notice shall:

1. Designate the days of the week when records are available for inspection, copying or mechanical reproduction;

2. Set forth the name, mailing address, and telephone number of the individual in charge of the records; and

3. Describe in detail the procedures for obtaining access to the records at least two days of the week, excluding Sunday.

B. The person requesting the record and the person authorized to release the records of the public body may agree to inspection, copying, or mechanical reproduction on a day and at a time other than that designated in the notice.

Added by Laws 1985, c. 355, § 6, eff. Nov. 1, 1985.

§51-24A.7. Personnel records - Confidentiality - Inspection and copying.

A. A public body may keep personnel records confidential:

1. Which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation; or

2. Where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, employment applications submitted by persons not hired by the public body, and transcripts from institutions of higher education maintained in the personnel files of certified public school employees; provided, however, that nothing in this subsection shall be construed to exempt from disclosure the degree obtained and the curriculum on the transcripts of certified public school employees.

B. All personnel records not specifically falling within the exceptions provided in subsection A of this section shall be available for public inspection and copying including, but not limited to, records of:

1. An employment application of a person who becomes a public official;

2. The gross receipts of public funds;

3. The dates of employment, title or position; and

4. Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination.

C. Except as may otherwise be made confidential by statute, an employee of a public body shall have a right of access to his own personnel file.

D. Public bodies shall keep confidential the home address, telephone numbers and social security numbers of any person employed or formerly employed by the public body.

E. Except as otherwise required by Section 6-101.16 of Title 70 of the Oklahoma Statutes, public bodies shall keep confidential all records created pursuant to the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) which identify a current or former public employee and contain any evaluation, observation or other TLE record of such employee.

Added by Laws 1985, c. 355, § 7, eff. Nov. 1, 1985. Amended by Laws 1990, c. 257, § 6, emerg. eff. May 23, 1990; Laws 1994, c. 177, § 1, eff. Sept. 1, 1994; Laws 2005, c. 116, § 2, eff. Nov. 1, 2005; Laws 2014, c. 130, § 1, eff. Nov. 1, 2014.

#### §51-24A.8. Law enforcement records - Disclosure.

A. Law enforcement agencies shall make available for public inspection and copying, if kept, the following records:

1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;

2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;

3. A chronological list of all incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred;

4. Radio logs, including a chronological listing of the calls dispatched;

5. Conviction information, including the name of any person convicted of a criminal offense;

6. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;

7. A crime summary, including an agency summary of crimes reported and public calls for service by classification or nature and number;

8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of commitment, the

authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of discharge or escape of the prisoner;

9. Audio and video recordings from recording equipment attached to law enforcement vehicles or associated audio recordings from recording equipment on the person of a law enforcement officer; provided, the law enforcement agency may, before releasing any audio or video recording provided for in this paragraph, redact or obscure specific portions of the recording which:

- a. depict the death of a person or a dead body, unless the death was effected by a law enforcement officer,
- b. depict nudity,
- c. would identify minors under the age of sixteen (16) years or would undermine any requirement to keep certain juvenile records confidential as provided for in Title 10A of the Oklahoma Statutes,
- d. depict acts of severe violence resulting in great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, against persons that are clearly visible, unless the act of severe violence was effected by a law enforcement officer,
- e. depict great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, unless the great bodily injury was effected by a law enforcement officer,
- f. include personal medical information that is not already public,
- g. would undermine the assertion of a privilege provided in Section 1-109 or Section 3-428 of Title 43A of the Oklahoma Statutes for detention or transportation for mental health evaluation or treatment or drug or alcohol detoxification purposes,
- h. include personal information other than the name or license plate number of a person not arrested, cited, charged or issued a written warning. Such personal information shall include any government-issued identification number, date of birth, address or financial information, or
- i. reveal the identity of law enforcement officers who have become subject to internal investigation by the law enforcement agency as a result of an event depicted in the recording. The option to protect the identity of a law enforcement officer shall not be available to the law enforcement agency after the law enforcement agency has concluded the investigation and rendered a decision as to final disciplinary action. At such time when an investigation has concluded and the law



enforcement agency has rendered its decision as to final disciplinary action, the portions of the recordings previously withheld as provided for in this subparagraph shall be available for public inspection and copying. The audio and video recordings withheld as provided for in this subparagraph shall be available for public inspection and copying before the conclusion of the investigation if the investigation lasts for an unreasonable amount of time; and

10. a. Audio and video recordings from recording equipment attached to the person of a law enforcement officer that depict:
  - (1) the use of any physical force or violence by a law enforcement officer,
  - (2) pursuits of any kind,
  - (3) traffic stops,
  - (4) any person being arrested, cited, charged or issued a written warning,
  - (5) events that directly led to any person being arrested, cited, charged or receiving a written warning,
  - (6) detentions of any length for the purpose of investigation,
  - (7) any exercise of authority by a law enforcement officer that deprives a citizen of his or her liberty,
  - (8) actions by a law enforcement officer that have become the cause of an investigation or charges being filed,
  - (9) recordings in the public interest that may materially aid a determination of whether law enforcement officers are appropriately performing their duties as public servants, or
  - (10) any contextual events occurring before or after the events depicted in divisions (1) through (9) of this subparagraph.
- b. Notwithstanding the provisions of subparagraph a of this paragraph, the law enforcement agency may, before releasing any audio or video recording provided for in this paragraph, redact or obscure specific portions of the recording that:
  - (1) depict the death of a person or a dead body, unless the death was effected by a law enforcement officer,
  - (2) depict nudity,
  - (3) would identify minors under the age of sixteen (16) years or would undermine any requirement to

- keep certain juvenile records confidential as provided for in Title 10A of the Oklahoma Statutes,
- (4) depict acts of severe violence resulting in great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, against persons that are clearly visible, unless the act of severe violence was effected by a law enforcement officer,
  - (5) depict great bodily injury, as defined in Section 11-904 of Title 47 of the Oklahoma Statutes, unless the great bodily injury was effected by a law enforcement officer,
  - (6) include personal medical information that is not already public,
  - (7) undermine the assertion of a privilege as provided in Section 1-109 or Section 3-428 of Title 43A of the Oklahoma Statutes for detention or transportation for mental health evaluation or treatment or drug or alcohol detoxification purposes,
  - (8) identify alleged victims of sex crimes or domestic violence,
  - (9) identify any person who provides information to law enforcement or the information provided by that person when that person requests anonymity or where disclosure of the identity of the person or the information provided could reasonably be expected to threaten or endanger the physical safety or property of the person or the physical safety or property of others,
  - (10) undermine the assertion of a privilege to keep the identity of an informer confidential as provided for in Section 2510 of Title 12 of the Oklahoma Statutes,
  - (11) include personal information other than the name or license plate number of a person not officially arrested, cited, charged or issued a written warning. Such personal information shall include any government-issued identification number, date of birth, address or financial information,
  - (12) include information that would materially compromise an ongoing criminal investigation or ongoing criminal prosecution, provided that:
    - (a) ten (10) days following the formal arraignment or initial appearance, whichever occurs first, of a person charged in the case

in question, the recording shall be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division. Provided, before potential release of a recording as provided for in this subdivision, the prosecutor or legal representative of the person charged may request from the appropriate district court an extension of time during which the recording may be withheld under the provisions of this division. When a request for an extension of time has been filed with the court, the recording in question may be withheld until the court has issued a ruling. Such requests for an extension of the time during which the recording may be withheld may be made on the grounds that release of the recording will materially compromise an ongoing criminal investigation or criminal prosecution or on the grounds that release of the recording will materially compromise the right of an accused to a fair trial that has yet to begin. Courts considering such requests shall conduct a hearing and consider whether the interests of the public outweigh the interests asserted by the parties. In response to such requests, the court shall order that the recording be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division or order an extension of time during which the recording may be withheld under the provisions of this division. Provided further, each such time extension shall only be ordered by the court for an additional six-month period of time or less and cumulative time extensions shall not add up to more than eighteen (18) months, or

(b) in the event that one hundred twenty (120) days expire from the date of the events depicted in the recording without any person being criminally charged in the case in question and release of a recording or portions of a recording have been denied on the grounds provided for in this division, an

appeal of such denial may be made to the appropriate district court. In situations where one hundred twenty (120) days have expired since the creation of the recording, criminal charges have not been filed against a person and the recording is being withheld on the grounds provided for in this division, courts considering appeals to the use of the provisions of this division for temporarily withholding a recording shall conduct a hearing and consider whether the interests of the public outweigh the interests of the parties protected by this division. In response to such appeals, the district court shall order that the recording be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division or order an extension of time during which the recording may be withheld under the provisions of this division. An order granting an extension of time shall be applicable to the recording against all appellants for the duration of the extension. Provided, each such time extension shall only be ordered by the district court for an additional twelve-month period of time or less and cumulative time extensions shall not add up to more than three (3) years. Provided, charges being filed against a person in the case in question automatically cancels any extension of time. A new request for an extension of time following an arraignment or initial appearance may be requested by the parties on the grounds and under the terms provided for in subdivision (a) of this division.

The options presented in this division to potentially withhold a recording or portions of a recording on the grounds provided for in this division shall expire in totality four (4) years after the recording was made at which time all recordings previously withheld on the grounds provided for in this division shall be made available for public inspection and copying, or

(13) reveal the identity of law enforcement officers who have become subject to internal investigation

by the law enforcement agency as a result of an event depicted in the recording. The option to protect the identity of a law enforcement officer shall not be available to the law enforcement agency after the law enforcement agency has concluded the investigation and rendered a decision as to final disciplinary action. At such time when an investigation has concluded and the law enforcement agency has rendered its decision as to final disciplinary action, the portions of the recordings previously withheld as provided for in this division shall be available for public inspection and copying. The audio and video recordings withheld on the grounds provided for in this division shall be available for public inspection and copying before the conclusion of the investigation if the investigation lasts for an unreasonable amount of time.

B. Except for the records listed in subsection A of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial. The provisions of this section shall not operate to deny access to law enforcement records if such records have been previously made available to the public as provided in the Oklahoma Open Records Act or as otherwise provided by law.

C. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

D. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act shall be made available for public inspection in a manner to be determined by the Department.

E. The Council on Law Enforcement Education and Training (C.L.E.E.T.) shall keep confidential all records it maintains pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and deny release of records relating to any employed or certified full-time officer, reserve officer, retired officer or other person; teacher lesson plans, tests and other teaching materials; and personal communications concerning individual students except under the following circumstances:

1. To verify the current certification status of any peace officer;

2. As may be required to perform the duties imposed by Section 3311 of Title 70 of the Oklahoma Statutes;

3. To provide to any peace officer copies of the records of that peace officer upon submitting a written request;

4. To provide, upon written request, to any law enforcement agency conducting an official investigation, copies of the records of any peace officer who is the subject of such investigation;

5. To provide final orders of administrative proceedings where an adverse action was taken against a peace officer; and

6. Pursuant to an order of the district court of the State of Oklahoma.

F. The Department of Public Safety shall keep confidential:

1. All records it maintains pursuant to its authority under Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway Patrol Division, the Communications Division, and other divisions of the Department relating to:

- a. training, lesson plans, teaching materials, tests, and test results,
- b. policies, procedures, and operations, any of which are of a tactical nature, and
- c. the following information from radio logs:
  - (1) telephone numbers,
  - (2) addresses other than the location of incidents to which officers are dispatched, and
  - (3) personal information which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725; and

2. For the purpose of preventing identity theft and invasion of law enforcement computer systems, except as provided in Title 47 of the Oklahoma Statutes, all driving records.

Added by Laws 1985, c. 355, § 8, eff. Nov. 1, 1985. Amended by Laws 1989, c. 212, § 8, eff. Nov. 1, 1989; Laws 2000, c. 349, § 2, eff. Nov. 1, 2000; Laws 2001, c. 5, § 29, emerg. eff. March 21, 2001; Laws 2005, c. 199, § 6, eff. Nov. 1, 2005; Laws 2006, c. 16, § 36, emerg. eff. March 29, 2006; Laws 2009, c. 36, § 1, eff. Nov. 1, 2009; Laws 2014, c. 266, § 3, eff. Nov. 1, 2014; Laws 2015, c. 370, § 2, emerg. eff. June 4, 2015.

NOTE: Laws 2000, c. 226, § 1 repealed by Laws 2001, c. 5, § 30, emerg. eff. March 21, 2001. Laws 2005, c. 35, § 1 repealed by Laws 2006, c. 16, § 37, emerg. eff. March 29, 2006.

§51-24A.9. Personal notes and personally created material - Confidentiality.

Prior to taking action, including making a recommendation or issuing a report, a public official may keep confidential his or her personal notes and personally created materials other than

departmental budget requests of a public body prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project.

Added by Laws 1985, c. 355, § 9, eff. Nov. 1, 1985.

§51-24A.10. Full disclosure of voluntarily supplied information.

A. Any information, records or other material heretofore voluntarily supplied to any state agency, board or commission shall be subject to full disclosure pursuant to Section 24A.1 et seq. of this title.

B. If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to:

1. Bid specifications for competitive bidding prior to publication by the public body; or
2. Contents of sealed bids prior to the opening of bids by a public body; or
3. Computer programs or software but not data thereon; or
4. Appraisals relating to the sale or acquisition of real estate by a public body prior to award of a contract; or
5. The prospective location of a private business or industry prior to public disclosure of such prospect except for records otherwise open to inspection such as applications for permits or licenses.

C. Except as set forth hereafter, the Oklahoma Department of Commerce, the Oklahoma Department of Career and Technology Education, the technology center school districts, the Oklahoma Film and Music Office, institutions within the Oklahoma State System of Higher Education, and the Department of Corrections may keep confidential:

1. Business plans, feasibility studies, financing proposals, marketing plans, financial statements or trade secrets submitted by a person or entity seeking economic advice, business development or customized training from such Departments or school districts;
2. Proprietary information of the business submitted to the Department or school districts for the purpose of business development or customized training, and related confidentiality agreements detailing the information or records designated as confidential; and
3. Information compiled by such Departments or school districts in response to those submissions.

The Oklahoma Department of Commerce, the Oklahoma Department of Career and Technology Education, the technology center school districts, the Oklahoma Film and Music Office, institutions within the Oklahoma State System of Higher Education, and the Department of Corrections may not keep confidential that submitted information when and to the extent the person or entity submitting the information consents to disclosure.

D. Although they must provide public access to their records, including records of the address, rate paid for services, charges, consumption rates, adjustments to the bill, reasons for adjustment, the name of the person that authorized the adjustment, and payment for each customer, public bodies that provide utility services to the public may keep confidential credit information, credit card numbers, telephone numbers, social security numbers, bank account information for individual customers, and utility supply and utility equipment supply contracts for any industrial customer with a connected electric load in excess of two thousand five hundred (2,500) kilowatts if public access to such contracts would give an unfair advantage to competitors of the customer; provided that, where a public body performs billing or collection services for a utility regulated by the Corporation Commission pursuant to a contractual agreement, any customer or individual payment data obtained or created by the public body in performance of the agreement shall not be a record for purposes of this act.

Added by Laws 1985, c. 355, § 10, eff. Nov. 1, 1985. Amended by Laws 1988, c. 187, § 5, emerg. eff. June 6, 1988; Laws 1996, c. 209, § 4, eff. Nov. 1, 1996; Laws 2004, c. 186, § 1, emerg. eff. May 3, 2004; Laws 2006, c. 18, § 1, eff. Nov. 1, 2006; Laws 2007, c. 6, § 1, eff. Nov. 1, 2007; Laws 2008, c. 284, § 1, eff. Nov. 1, 2008; Laws 2009, c. 158, § 1, eff. Nov. 1, 2009; Laws 2010, c. 161, § 1; Laws 2015, c. 41, § 1, eff. Nov. 1, 2015; Laws 2018, c. 197, § 1.

§51-24A.10a. Oklahoma Medical Center - Market research and marketing plans - Confidentiality.

The Oklahoma Medical Center may keep confidential market research conducted by and marketing plans developed by the Oklahoma Medical Center if the Center determines that disclosure of such research or plans would give an unfair advantage to competitors of the Oklahoma Medical Center regarding marketing research and planning, public education, and advertising and promotion of special and general services provided by the Oklahoma Medical Center.

Added by Laws 1988, c. 266, § 22, operative July 1, 1988.

§51-24A.11. Library, archive or museum materials - Confidentiality.

A. A public body may keep confidential library, archive, or museum materials donated to the public body to the extent of any limitations imposed as a condition of the donation and any information which would reveal the identity of an individual who lawfully makes a donation to or on behalf of a public body including, but not limited to, donations made through a foundation operated in compliance with Sections 5-145 and 4306 of Title 70 of the Oklahoma Statutes.

B. If library, archive, or museum materials are donated to a public body and the donation may be claimed as a tax deduction, the



public body may keep confidential any information required as a condition of the donation except the date of the donation, the appraised value claimed for the donation, and a general description of the materials donated and their quantity.

Added by Laws 1985, c. 355, § 11, eff. Nov. 1, 1985. Amended by Laws 1992, c. 231, § 3, emerg. eff. May 19, 1992.

§51-24A.12. Litigation files and investigatory files of Attorney General, district or municipal attorney - Confidentiality.

Except as otherwise provided by state or local law, the Attorney General of the State of Oklahoma and agency attorneys authorized by law, the office of the district attorney of any county of the state, and the office of the municipal attorney of any municipality may keep its litigation files and investigatory reports confidential.

Added by Laws 1985, c. 355, § 12, eff. Nov. 1, 1985. Amended by Laws 1988, c. 187, § 6, emerg. eff. June 6, 1988.

§51-24A.13. Federal records - Confidentiality.

Records coming into the possession of a public body from the federal government or records generated or gathered as a result of federal legislation may be kept confidential to the extent required by federal law.

Added by Laws 1985, c. 355, § 13, eff. Nov. 1, 1985.

§51-24A.14. Personal communications relating to exercise of constitutional rights - Confidentiality.

Except for the fact that a communication has been received and that it is or is not a complaint, a public official may keep confidential personal communications received by the public official from a person exercising rights secured by the Constitution of the State of Oklahoma or the Constitution of the United States. The public official's written response to this personal communication may be kept confidential only to the extent necessary to protect the identity of the person exercising the right.

Added by Laws 1985, c. 355, § 14, eff. Nov. 1, 1985.

§51-24A.15. Crop and livestock reports - Public warehouse financial statements - Confidentiality.

A. The Division of Agricultural Statistics, Oklahoma Department of Agriculture, also known as the Oklahoma Crop and Livestock Reporting Service, may keep confidential crop and livestock reports provided by farmers, ranchers, and agribusinesses to the extent the reports individually identify the providers.

B. The State Board of Agriculture is authorized to provide for the confidentiality of any financial statement filed pursuant to Section 9-22 of Title 2 of the Oklahoma Statutes. Copies of such

financial statements may only be obtained upon written request to the Commissioner of Agriculture.

Upon good cause shown, and at the discretion of the Commissioner of Agriculture, such financial statements may be released.  
Added by Laws 1985, c. 355, § 15, eff. Nov. 1, 1985. Amended by Laws 1988, c. 259, § 14, emerg. eff. June 29, 1988.

§51-24A.16. Educational records and materials - Confidentiality.

A. Except as set forth in subsection B of this section, public educational institutions and their employees may keep confidential:

1. Individual student records;
2. Teacher lesson plans, tests and other teaching material; and
3. Personal communications concerning individual students.

B. If kept, statistical information not identified with a particular student and directory information shall be open for inspection and copying. "Directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student. Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as directory information with respect to each student attending the institution or agency and shall allow a reasonable period of time after the notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without prior consent of the parent or guardian or the student if the student is eighteen (18) years of age or older.

C. A public school district may release individual student records for the current or previous school year to a school district at which the student was previously enrolled for purposes of evaluating educational programs and school effectiveness.  
Added by Laws 1985, c. 355, § 16, eff. Nov. 1, 1985. Amended by Laws 1986, c. 116, § 1, emerg. eff. April 9, 1986; Laws 2003, c. 430, § 1, eff. July 1, 2003.

§51-24A.16a. Higher education - Donor or prospective donor information - Confidentiality.

Institutions or agencies of The Oklahoma State System of Higher Education may keep confidential all information pertaining to donors and prospective donors to or for the benefit of the institutions or agencies.

Added by Laws 2007, c. 170, § 2, emerg. eff. May 31, 2007.

§51-24A.17. Violations - Penalties - Civil liability.

A. Any public official who willfully violates any provision of the Oklahoma Open Records Act, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment.

B. Any person denied access to records of a public body or public official:

1. May bring a civil suit for declarative or injunctive relief, or both, but such civil suit shall be limited to records requested and denied prior to filing of the civil suit; and

2. If successful, shall be entitled to reasonable attorney fees.

C. If the public body or public official successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body or public official shall be entitled to reasonable attorney fees.

D. A public body or public official shall not be civilly liable for damages for providing access to records as allowed under the Oklahoma Open Records Act.

Added by Laws 1985, c. 355, § 17, eff. Nov. 1, 1985. Amended by Laws 2005, c. 199, § 7, eff. Nov. 1, 2005.

§51-24A.18. Additional recordkeeping not required.

Except as may be required in Section 24A.4 of this title, this act does not impose any additional recordkeeping requirements on public bodies or public officials.

Added by Laws 1985, c. 355, § 18, eff. Nov. 1, 1985. Amended by Laws 2005, c. 199, § 8, eff. Nov. 1, 2005.

§51-24A.19. Research records - Confidentiality.

In addition to other records that a public body may keep confidential pursuant to the provisions of the Oklahoma Open Records Act, a public body may keep confidential:

1. Any information related to research, the disclosure of which could affect the conduct or outcome of the research, the ability to patent or copyright the research, or any other proprietary rights any entity may have in the research or the results of the research including, but not limited to, trade secrets and commercial or financial information obtained from an entity financing or cooperating in the research, research protocols, and research notes, data, results, or other writings about the research; and

2. The specific terms and conditions of any license or other commercialization agreement relating to state owned or controlled technology or the development, transfer, or commercialization of the technology. Any other information relating to state owned or controlled technology or the development, transfer, or commercialization of the technology which, if disclosed, will

adversely affect or give other persons or entities an advantage over public bodies in negotiating terms and conditions for the development, transfer, or commercialization of the technology. However, institutions within The Oklahoma State System of Higher Education shall:

- a. report to the Oklahoma State Regents for Higher Education as requested, on forms provided by the Regents, research activities funded by external entities or the institutions, the results of which have generated new intellectual property, and
- b. report to the Oklahoma State Regents for Higher Education annually on forms provided:
  - (1) expenditures for research and development supported by the institution,
  - (2) any financial relationships between the institution and private business entities,
  - (3) any acquisition of an equity interest by the institution in a private business,
  - (4) the receipt of royalty or other income related to the sale of products, processes, or ideas by the institution or a private business entity with which the institution has established a financial arrangement,
  - (5) the gains or losses upon the sale or other disposition of equity interests in private business entities, and
  - (6) any other information regarding technology transfer required by the Oklahoma State Regents for Higher Education.

The reports required in subparagraphs a and b of this paragraph shall not be deemed confidential and shall be subject to full disclosure pursuant to the Oklahoma Open Records Act.

Added by Laws 1988, c. 68, § 2, eff. Nov. 1, 1988. Amended by Laws 1999, c. 287, § 1, emerg. eff. May 27, 1999.

§51-24A.20. Records in litigation or investigation file - Access.

Access to records which, under the Oklahoma Open Records Act, would otherwise be available for public inspection and copying, shall not be denied because a public body or public official is using or has taken possession of such records for investigatory purposes or has placed the records in a litigation or investigation file.

However, a law enforcement agency may deny access to a copy of such a record in an investigative file if the record or a true and complete copy thereof is available for public inspection and copying at another public body.

Added by Laws 1988, c. 187, § 7, emerg. eff. June 6, 1988.

§51-24A.21. Increment district reports - Exemption from copying fees.

The fees that may be charged by a public body pursuant to the provisions of paragraph 3 of Section 24A.5 of Title 51 of the Oklahoma Statutes shall not be charged when a state agency or taxing entity located within the boundaries of any district created pursuant to the provisions of the Local Development Act request a copy of the reports required by subsections A and B of Section 18 of this act. Added by Laws 1992, c. 342, § 21.

§51-24A.22. Public utilities - Confidential books, records and trade secrets.

A. The Corporation Commission shall keep confidential those records of a public utility, its affiliates, suppliers and customers which the Commission determines are confidential books and records or trade secrets.

B. As used in this section, "public utility" means any entity regulated by the Corporation Commission, owning or operating for compensation in this state equipment or facilities for:

1. Producing, generating, transmitting, distributing, selling or furnishing electricity;
2. The conveyance, transmission, or reception of communication over a telephone system; or
3. Transmitting directly or indirectly or distributing combustible hydrocarbon natural or synthetic natural gas for sale to the public.

Added by Laws 1994, c. 315, § 12, eff. July 1, 1994.

§51-24A.23. Department of Wildlife Conservation - Confidentiality of information relating to hunting and fishing licenses - Exceptions - Disclosure of antler descriptions.

A. The Department of Wildlife Conservation shall keep confidential the information provided by persons, including the name and address of the person, applying for or holding any permit or license issued by the Department, to the extent the information individually identifies the person. The Department may use the information for Department purposes or allow the United States Fish and Wildlife Service to use the information for survey purposes only. The Department shall allow any public body to have access to the information for purposes specifically related to the public body's function.

B. The provisions of subsection A of this section shall not apply to information provided by persons applying for or holding a commercial hunting or fishing license.

C. The provisions of subsection A of this section shall not apply to information voluntarily provided by persons for promotional purposes by the Department.

D. Based upon the information required to be submitted through the electronic game harvest check system for harvested deer, the Department shall publicly disclose, in a timely manner, online or in published listings, by county of harvest, an antler description of each deer harvested and the name of the hunter who harvested the deer. The hunter shall be allowed to choose when entering the harvest information whether or not the name of the hunter is released. The Department shall not release the name of the hunter if the hunter elects not to release that information.  
Added by Laws 1996, c. 32, § 1, eff. July 1, 1996. Amended by Laws 2013, c. 288, § 2, emerg. eff. May 15, 2013.

§51-24A.24. Office of Juvenile System Oversight - Confidentiality of investigatory records and notes.

Unless otherwise provided by law, the Office of Juvenile System Oversight may keep its investigatory records and notes confidential, unless ordered by a court of competent jurisdiction to disclose the information.

Added by Laws 1996, c. 247, § 42, eff. July 1, 1996.

§51-24A.25. Order of court for removal of materials from public record.

Any order of the court for removal of materials from the public record shall require compliance with the provisions of paragraphs 2 through 7 of subsection C of Section 3226 of Title 12 of the Oklahoma Statutes.

Added by Laws 2000, c. 172, § 4, eff. Nov. 1, 2000.

§51-24A.26. Intergovernmental self-insurance pools.

An intergovernmental self-insurance pool may keep confidential proprietary information, such as actuarial reports, underwriting calculations, rating information and records that are created based on conclusions of such information that are developed through the operation of the intergovernmental self-insurance pool.

Added by Laws 2000, c. 226, § 2, eff. Nov. 1, 2000.

NOTE: Editorially renumbered from § 24A.25 of this title to avoid duplication in numbering.

§51-24A.27. Vulnerability assessments of critical assets in water and wastewater systems.

A. Any state environmental agency or public utility shall keep confidential vulnerability assessments of critical assets in both water and wastewater systems. State environmental agencies or public utilities may use the information for internal purposes or allow the information to be used for survey purposes only. The state environmental agencies or public utilities shall allow any public

body to have access to the information for purposes specifically related to the public bodies function.

B. For purposes of this section:

1. "State environmental agencies" includes the:

- a. Oklahoma Water Resources Board,
- b. Oklahoma Corporation Commission,
- c. State Department of Agriculture,
- d. Oklahoma Conservation Commission,
- e. Department of Wildlife Conservation,
- f. Department of Mines, and
- g. Department of Environmental Quality;

2. "Public Utility" means any individual, firm, association, partnership, corporation or any combination thereof, municipal corporations or their lessees, trustees and receivers, owning or operating for compensation in this state equipment or facilities for:

- a. producing, generating, transmitting, distributing, selling or furnishing electricity,
- b. the conveyance, transmission, reception or communications over a telephone system,
- c. transmitting directly or indirectly or distributing combustible hydrocarbon natural or synthetic natural gas for sale to the public, or
- d. the transportation, delivery or furnishing of water for domestic purposes or for power.

Added by Laws 2003, c. 166, § 1, emerg. eff. May 5, 2003.

§51-24A.28. Confidential information - Exceptions.

A. The following information may be kept confidential:

1. Investigative evidence of a plan or scheme to commit an act of terrorism;

2. Assessments of the vulnerability of government facilities or public improvements to an act of terrorism and work papers directly related to preparing the assessment of vulnerability;

3. Records including details for deterrence or prevention of or protection from an act or threat of an act of terrorism;

4. Records including details for response or remediation after an act of terrorism;

5. Information technology of a public body or public official but only if the information specifically identifies:

- a. design or functional schematics that demonstrate the relationship or connections between devices or systems,
- b. system configuration information,
- c. security monitoring and response equipment placement and configuration,
- d. specific location or placement of systems, components or devices,

- e. system identification numbers, names, or connecting circuits,
- f. business continuity and disaster planning, or response plans, or
- g. investigative information directly related to security penetrations or denial of services;

6. Investigation evidence of an act of terrorism that has already been committed;

7. Records received, maintained or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records;

8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security;

9. Records received, maintained or generated by the Department of Environmental Quality that contain information regarding sources of radiation in quantities determined by the United States Nuclear Regulatory Commission to be significant to public health and safety, by whomever possessed, whether in transit or at fixed sites, when the information could reasonably be expected to have an adverse effect on the health and safety of the public by increasing the likelihood of theft, diversion or sabotage of the radiation sources or facilities. The information may include but is not limited to information:

- a. from or relating to radioactive material licensees identifying the exact location of the radioactive material,
- b. describing how the radioactive material is secured from unauthorized removal or access when it is in storage,
- c. describing the control and maintenance of constant surveillance of the radioactive material when it is not in storage,
- d. describing specific policies and procedures for actions to physically protect the radioactive material,
- e. identifying possession limits or actual inventories of radionuclides,
- f. containing or describing assessments or analyses that could reveal vulnerabilities,
- g. identifying specific locations of safety and security equipment,
- h. describing emergency planning, emergency response and fire protection, and
- i. containing or describing other information that could reasonably be expected to be useful to persons with malevolent intent;



10. The names of school district personnel who have been designated to carry a firearm pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes; and

11. Information technology of the State Election Board or a county election board which is determined jointly by the Secretary of the State Election Board and the State Chief Information Officer to be technology that could reasonably be expected to be useful to persons with intent to interfere with the conduct of an election, voter registration or other election processes.

B. The following information shall not be kept confidential:

1. Records related to federal grants administered by the Oklahoma Office of Homeland Security or the Department of Environmental Quality;

2. Records related to the receipt and expenditure of public funds; or

3. Records related to the financial performance or financial administration of the Oklahoma Office of Homeland Security or the Department of Environmental Quality.

C. For the purposes of this section, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

D. 1. Public educational institutions may keep confidential campus security plans. An institution or agency may in its discretion release information contained in or related to the campus security plan in order to design or implement the plan.

2. Nothing in this subsection shall preclude an institution or agency within The Oklahoma State System of Higher Education from collecting and releasing information relating to campus crime statistics and campus security policies as is required pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f).

3. For purposes of this subsection, "campus security plan" shall include, but is not limited to, prevention and response procedures to and notification procedures for perceived or actual security threats and incidents on or impacting the campus.

Added by Laws 2003, c. 175, § 2, emerg. eff. May 5, 2003. Amended by Laws 2005, c. 399, § 1, emerg. eff. June 6, 2005; Laws 2009, c. 166, § 1, eff. July 1, 2009; Laws 2013, c. 14, § 1, emerg. eff. April 8, 2013; Laws 2016, c. 231, § 1, eff. July 1, 2016; Laws 2019, c. 163, § 9, eff. Nov. 1, 2019.

NOTE: Editorially renumbered from § 24A.27 of this title to avoid a duplication in numbering.

§51-24A.29. Protective orders for pleadings, other materials - Microfilm records - Procedures - Storing of protected materials - Confidentiality.

A. Unless confidentiality is specifically required by law, any order directing the withholding or removal of pleadings or other material from a public record shall contain:

1. A statement that the court has determined it is necessary in the interests of justice to remove the material from the public record and in those instances where such withholding is required by law, the order shall so indicate;

2. Specific identification of the material which is to be withheld, removed or withdrawn from the public record, or which is to be filed but not placed in the public record; and

3. A requirement that any party seeking to file protected materials place such materials in a sealed manila envelope clearly marked with the caption and case number, the word "CONFIDENTIAL", and stating the date the order was entered and the name of the judge entering the order. This requirement may also be satisfied by requiring the party to file the documents pursuant to the procedure for electronically filing sealed or confidential documents approved for electronic filing in the courts of this state.

B. No protective order entered after the filing and microfilming of documents of any kind shall be construed to require the microfilm record of such filing to be amended in any fashion, and no other accounting entries may be affected by such order.

C. The party or counsel who has received the protective order shall be responsible for promptly presenting the order to appropriate supervisory court clerk personnel for action.

D. All documents produced or testimony given under a protective order shall be retained in the office of counsel until required by the court to be filed in the case.

E. Counsel for the respective parties shall be responsible for informing witnesses and other persons, as necessary, of the contents of the protective order.

F. When a case is filed in which a party intends to seek an order withholding removing material from the public record, the parties shall be initially designated on the petition under a pseudonym such as "John or Jane Doe", or "Roe", and the petition shall clearly indicate that the party designations are fictitious. The party seeking confidentiality or other order withholding or removing the case, in whole or in part from the public record, shall immediately present application to the court, seeking instructions for the conduct of the case, including confidentiality of the records.

G. It shall be the duty of the party filing confidential materials with the court to remove the materials from the custody of the court clerk within sixty (60) days after dismissal or other disposition of the main case in which the materials were filed. If the party fails to remove confidential documents, the court clerk shall be authorized to destroy without notice such materials after a

period of one (1) year has elapsed since the dismissal or other disposition of the main case in which materials were filed.

H. Municipal courts shall keep confidential all personal identifying information of the parties involved in any case in municipal court, except where such information is provided to the Oklahoma Tax Commission for purposes of collection of municipal court fees. The personal identifying information that shall be kept confidential includes the following:

1. Credit card numbers;
2. Social security numbers; and
3. Bank account numbers.

Added by Laws 2005, c. 72, § 1, eff. Nov. 1, 2005. Amended by Laws 2010, c. 193, § 1, eff. Nov. 1, 2010; Laws 2012, c. 278, § 7, eff. Nov. 1, 2012.

§51-24A.30. Court records - Confidentiality - Sealed records - Order requirement.

All court records, as defined by Section 32.1 of Title 12 of the Oklahoma Statutes, shall be considered public records and shall be subject to the provisions of the Oklahoma Open Records Act, unless otherwise identified by statute to be confidential. If confidentiality is not required by statute, the court may seal a record or portion of a record only if a compelling privacy interest exists which outweighs the public's interest in the record. In all cases where the court is sealing a record or portion of a record, the court shall enter an order which shall be public and shall:

1. Make findings of fact which identify the facts which the court relied upon in entering its order;
2. Make conclusions of law specific enough so that the public is aware of the legal basis for the sealing of the record;
3. Utilize the least restrictive means for achieving confidentiality; and
4. Be narrowly tailored so that only the portions of the record subject to confidentiality are sealed and the remainder of the record is kept open.

Added by Laws 2014, c. 87, § 1, eff. Nov. 1, 2014.

§51-24A.31. Confidential Wine Shipment Reports.

Reports produced according to the provisions established in Section 3-106 of Title 37A of the Oklahoma Statutes, shall be known as "Confidential Wine Shipment Reports", and may be kept confidential by a public body.

Added by Laws 2018, c. 113, § 6, eff. Oct. 1, 2018.

§51-24A.32. Confidential multidisciplinary child abuse team reports.

Any reports produced or information received by the multidisciplinary child abuse team established according to the

provisions in Section 1-9-102 of Title 10A of the Oklahoma Statutes shall be confidential and may be kept confidential by the team. Added by Laws 2019, c. 81, § 1, eff. Nov. 1, 2019.

§51-25.1. Repealed by Laws 1961, p. 431, § 1.

§51-25.2. Repealed by Laws 1961, p. 431, § 1.

§51-25.3. Repealed by Laws 1961, p. 431, § 1.

§51-25.4. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-25.5. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-25.6. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015

§51-25.7. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015

§51-25.8. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015

§51-31. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-32. Repealed by Laws 1951, p. 132, §8.

§51-33. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-34. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-35. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-36.1. Persons required to take oath or affirmation.

Every officer and employee of the State of Oklahoma, or of a county, school district, municipality, public agency, public authority, or public district thereof, who, on or after July 1, 1953, is appointed or elected to office, or who after said date is employed, for a continuous period of thirty (30) days or more, in order to qualify and enter upon the duties of his office or employment and/or receive compensation, if any, therefor, shall first take and subscribe to the loyalty oath or affirmation required by this act and file the same as hereinafter set forth. Provided, that a public employee who is employed or whose employment is extended on a fiscal year basis and who has duly taken and filed the oath required by this act in order to qualify for and enter upon, or

continue in, the duties of his employment, need not again take and file such an oath so long as his said employment, or reemployment is continuous or consecutive.

Added by Laws 1953, p. 216, § 1, emerg. eff. April 8, 1953.

§51-36.2. Repealed by Laws 2004, c. 408, § 2, eff. Nov. 1, 2004.

§51-36.2A. Form of loyalty oath or affirmation.

The oath or affirmation required by this act, same being cumulative to the oath of office required by Section 1 of Article XV of the Oklahoma Constitution, shall be as follows:

I do solemnly swear (or affirm) that I will support the Constitution and the laws of the United States of America and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, the duties of my office or employment during such time as I am \_\_\_\_\_

(Here put name of office, or, if an employee, insert "An Employee Of \_\_\_\_\_" followed by the complete designation of the employing officer, agency, authority, commission, department or institution.)

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me this \_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public, or other officer  
authorized to administer oaths or  
affirmations.

Added by Laws 1968, c. 260, § 1, emerg. eff. April 29, 1968. Amended by Laws 2004, c. 408, § 1, eff. Nov. 1, 2004.

§51-36.3. Filing oath or affirmation - Blanks.

A. The oath or affirmation required by Section 36.2A of this title and taken and subscribed to by:

1. Every state officer shall be filed with the Secretary of State;
2. Every state employee shall be filed with the personnel officer of the state entity employing the state employee;
3. All other officers shall be filed with the office of the county clerk of the county of official residence of the officer;
4. All other employees shall be filed with the office of the county clerk of the county in which the entity employing the employee is located; and
5. Every notary public shall be filed with the office of the Secretary of State.

B. No fee shall be charged for the filings or for the administration of the oaths or affirmation.

C. Blank oath forms will be furnished, without charge, by the Secretary of State to such officers and employees upon request.

D. The provisions of paragraphs 3, 4 and 5 of subsection A of this section shall not apply to municipal officers and employees or school district officers and employees. All oaths or affirmations of municipal officers or employees or school district officers or employees shall be filed in the office of the municipal clerk of the municipality or in the office of the school clerk of the school district for which the officer or employee serves or by which the officer or employee is employed.

Added by Laws 1953, p. 217, § 3, emerg. eff. April 8, 1953. Amended by Laws 1998, c. 75, § 1, eff. Nov. 1, 1998; Laws 2000, c. 65, § 1, emerg. eff. April 14, 2000; Laws 2001, c. 406, § 19, emerg. eff. June 4, 2001; Laws 2004, c. 447, § 7, emerg. eff. June 4, 2004; Laws 2005, c. 1, § 81, emerg. eff. March 15, 2005.

NOTE: Laws 2004, c. 101, § 3 repealed by Laws 2005, c. 1, § 82, emerg. eff. March 15, 2005.

§51-36.4. Payment of compensation or expenses - Notice - Duty of certifying officer.

No compensation or reimbursement for expenses earned or incurred on or after July 1, 1953, shall be paid to any public officer or employee by any public agency unless and until he has taken and filed the oath or affirmation required by this act. Said public officer or employee, if his name is to appear on a public payroll claim, and who is not the certifying officer thereof, shall immediately, after he takes and files his oath or affirmation, notify, in writing, said certifying officer that he has taken and filed his said oath of affirmation and the date of such filing. It shall be the duty of the person certifying to said payroll to certify thereon that he has taken and filed said oath or affirmation and that every other officer or employee whose name appears on the payroll has notified him in writing that he has taken and filed the same.

Added by Laws 1953, p. 217, § 4, emerg. eff. April 8, 1953.

§51-36.5. False oath or affirmation.

Every public officer or employee who, in taking and subscribing to the oath or affirmation required by this act, states as true any material matter which he knows to be false, shall be guilty of the felony of perjury, and upon conviction be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, and in addition thereto, the person shall forfeit any public office or employment held by the person.

Added by Laws 1953, p. 217, § 5, emerg. eff. April 8, 1953. Amended by Laws 1997, c. 133, § 487, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 352, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 487 from July 1, 1998, to July 1, 1999.

§51-36.6. Violation of oath or affirmation.

Every public officer or employee having taken and subscribed to the oath or affirmation required by this act and having entered upon the duties of his office or employment, who, while holding his office or while being so employed, advocates by the medium of teaching, or justifies, directly or indirectly, or becomes a member of or affiliated with the Communist Party or the Cominform, or with any party or organization, political or otherwise, known by him to advocate by the medium of teaching, or justify, directly or indirectly, revolution, sedition, treason or a program of sabotage, or the overthrow of the government of the United States or of the State of Oklahoma or a change in the form of government thereof by force, violence, or other unlawful means, shall be guilty of a felony and, upon conviction, be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in addition thereto, the person shall forfeit his or her office or employment.

Added by Laws 1953, p. 218, § 6, emerg. eff. April 8, 1953. Amended by Laws 1997, c. 133, § 488, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 353, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 488 from July 1, 1998, to July 1, 1999.

§51-37.1. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.2. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.3. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.4. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.5. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.6. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.7. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-37.8. Repealed by Laws 1953, p. 218, § 8, emerg. eff. April 8, 1953.

§51-41. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-42. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-43. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-44. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-46. Procedure authorized - Checks and balances preserved - Withholding and disbursing agents defined - Warrants - Reservation of funds - Transmission - Lost checks.

In every instance where the United States of America or the State of Oklahoma, or both, have enacted laws requiring reservation or withholding of tax levied upon salaries, wages, or other compensation of officers, deputies, and employees of the state or of any county, city, town, board of education, or school district or any other municipal subdivision thereof, the public funds of which, under the system of checks and balances prescribed by the Legislature under mandate of the Constitution of this state, are disbursed only upon warrant upon the treasurer pursuant to verified itemized claim, the procedures herein prescribed are authorized, and required to be followed, for the purpose of enabling the tax so withheld to be transmitted, without delay and without peril of penalty, to the Collector of Internal Revenue in the case of the United States and to the Oklahoma Tax Commission in the case of the state.

a. It is specifically provided that the Oklahoma system of checks and balances upon the receiving and disbursing of public monies be preserved intact, regulations of federal agencies to the contrary notwithstanding.

b. Withholding agents, charged with the duty of reserving or withholding any tax upon the salary, wage or compensation of public officers, deputies, or employees, shall comprehend and include all of the following:

1. All officers, boards, and commissions charged with the administrative duty of considering salary, wage and compensation claims for final approval and order to issue warrant in payment thereof;

2. All officers charged with the duty of issuing, signing, attesting, registering, or paying the warrant drawn and issued pursuant to the order allowing the claim.

c. Disbursing officers, for purpose of paying the tax so withheld, shall be the same officers hereinbefore defined as withholding agents, with liability for such tax payment in the same order or sequence.



d. The tax withheld shall be paid only upon warrant against the reserves or withholdings accumulated, in the same manner as other warrants; except that, in lieu of verified claim, the issuing officer shall prepare and present a detailed statement of account on behalf of the U.S. Collector of Internal Revenue or of the Oklahoma Tax Commission, as the case may be, which shall be entered upon the calendar, considered as other claims, and warrant ordered issued, signed, and attested in the amount found proper.

e. If no monies have been collected for credit to the fund account against which such warrant was drawn, the same shall be registered "funds not available," and no treasurer or other withholding officer shall be liable or penalized for nonacceptance.

f. When monies have been collected for credit to any fund account subject to such warrant, it shall be the duty of the treasurer to estimate and reserve a sufficient amount of cash on hand to register such warrant "funds available" as such tax withholdings accrue, regardless of other warrant registrations; and such treasurer shall not be liable to the holder of any warrant previously registered by reason of such reserve.

g. The warrant order upon the treasurer directing him to pay the accumulation of tax withheld to the U.S. Collector of Internal Revenue or the Oklahoma Tax Commission, as the case may be, when the warrant is registered "funds available" as aforesaid, shall require no endorsement, but the treasurer shall forthwith draw his check upon his depository bank in payment thereof and mail it to the proper office. If required, he may require his depository bank to certify on the face of the check as to the funds on deposit, but no charge may be made for such certification.

h. It shall be unlawful for the treasurer to purchase bank draft or any other commercial exchange that has not the protection and security of the bank collateral or insurance for his funds on deposit; and no additional expense may be incurred by the treasurer against the municipality for transmitting such tax other than ordinary postage, or registered mail if required.

i. No bond shall be required for duplicate issue of lost check; but, in such event, stop-payment order shall be posted with the depository bank. This provision shall apply only in instance of checks transmitting tax.

Added by Laws 1943, p. 125, § 1, emerg. eff. Feb. 26, 1943.

§51-47. Repealed by Laws 2015, c. 220, § 1, eff. Nov. 1, 2015.

§51-51. Liability to impeachment - Grounds for impeachment.

The Governor and other elective state officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for willful neglect of duty, corruption in office,

habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

Added by Laws 1915, c. 131, § 1, emerg. eff. March 12, 1915.

§51-52. Presiding officer of court of impeachment - Presentation of impeachment.

When sitting as a court of impeachment, the Senate shall be presided over by the Chief Justice, or if he is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all the members of said Court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as a presiding officer for such purpose. The House of Representatives shall present all impeachments.

Added by Laws 1915, c. 131, § 2, emerg. eff. March 12, 1915.

§51-53. Oath - Concurrence of Senators.

When the Senate is sitting as a court of impeachment the Senators shall be on oath or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds (2/3) of the Senators present.

Added by Laws 1915, c. 131, § 3, emerg. eff. March 12, 1915.

§51-54. Judgment - Criminal liability.

Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent punishment of any such officer on charges growing out of the same matter by the courts of the state.

Added by Laws 1915, c. 131, § 4, emerg. eff. March 12, 1915.

§51-55. Impeachment defined.

An impeachment is the prosecution, by the House of Representatives, before the Senate, of the Governor or other elective state officer, under the Constitution, for willful neglect of duty, corruption in office, drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

Added by Laws 1915, c. 131, § 5, emerg. eff. March 12, 1915.

§51-56. Articles of impeachment.

The articles of impeachment are the written accusation of the officer, drawn up and approved by the House of Representatives.

Added by Laws 1915, c. 131, § 6, emerg. eff. March 12, 1915.

§51-57. Designation of offense.

The articles of impeachment shall state with reasonable certainty, the offense in office for which the officer is impeached, and if there be more than one, they shall be stated separately and distinctly.

Added by Laws 1915, c. 131, § 7, emerg. eff. March 12, 1915.

§51-58. Prosecution of impeachment - Board of managers.

When the articles of impeachment have been approved by the House of Representatives, and an impeachment ordered, a board of managers shall be appointed by the House of Representatives, of its own members, to prosecute it, whose chairman, within five (5) days, shall lay the same before the Senate.

Added by Laws 1915, c. 131, § 8, emerg. eff. March 12, 1915.

§51-59. Court of impeachment - Organization.

When articles of impeachment shall be presented to the Senate, the Senate shall within ten (10) days thereafter organize as a court of impeachment, and may for the purpose of conducting the business of such court, appoint a clerk, who may be the secretary of the Senate. The clerk shall issue all process and keep a record of the proceedings of such court. The said court shall also appoint a marshal and an assistant marshal who shall be its executive officers. It may employ such stenographic, clerical and other help as may be required.

Added by Laws 1915, c. 131, § 9, emerg. eff. March 12, 1915.

§51-60. Hearing and summons.

The Senate, when sitting as a court of impeachment, shall appoint a day for hearing the impeachment, and the accused shall be required by a summons by the clerk to appear on that day. The summons shall be served by delivering a copy of the same and of the articles of impeachment to the accused, in person if to be found, or by leaving the copies at his residence with some member of his family over sixteen (16) years of age.

Added by Laws 1915, c. 131, § 10, emerg. eff. March 12, 1915.

§51-61. Witness - Evidence - Process.

The clerk of such court, at the request of the chairman of the Board of Managers, or of the accused, shall issue subpoena for witnesses, and for the production of books or papers, and in case of disobedience of any such process, the court may order its clerk to issue process for the arrest of such witness or for the seizure of books or papers. All process shall be served or executed by the marshal or his assistant, or by any sheriff or deputy in the several counties of the state.

Added by Laws 1915, c. 131, § 11, emerg. eff. March 12, 1915.

§51-62. Powers of court of impeachment - Orders and judgments - Power to enforce.

The Senate sitting as a court of impeachment shall have power to compel the attendance of witnesses, to enforce obedience to its

orders, mandates, writs, precepts and judgments to preserve order, and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, process, precepts and judgments, and to make all orders, rules and regulations which it may deem essential or necessary for the orderly transaction of its business. Added by Laws 1915, c. 131, § 12, emerg. eff. March 12, 1915.

§51-63. Fees for witnesses and executions of processes.

Witnesses shall have the same compensation for travel and attendance, and the same exemptions in going, remaining and returning, as witnesses in the district court; and officers executing the process and orders of the Senate when sitting as a court of impeachment shall have the same fees as are allowed sheriffs for like services in the district court.

Added by Laws 1915, c. 131, § 13, emerg. eff. March 12, 1915.

§51-64. Oath.

Before the Senate shall proceed to consider the articles of impeachment, it shall organize itself into a court of impeachment, as provided herein, and every Senator present shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and impartially try the impeachment against A. B., and do justice according to the law and the evidence."

Added by Laws 1915, c. 131, § 14, emerg. eff. March 12, 1915.

§51-65. Voting on judgment - Absence during trial.

The Senate when sitting as a court of impeachment shall determine what amount of absence of a Senator during the trial shall exclude the Senator from voting in the final decision.

Added by Laws 1915, c. 131, § 15, emerg. eff. March 12, 1915.

§51-66. Costs - How paid - Cost of accused if acquitted.

If the accused is acquitted, he shall be entitled to his costs, to be taxed by the clerk and paid by the House of Representatives out of any funds available for paying the per diem and expenses of the members of the Legislature, and if convicted, he shall pay the costs, unless the Senate as a court of impeachment otherwise directs.

Added by Laws 1915, c. 131, § 16, emerg. eff. March 12, 1915.

§51-67. Recess - Trial after adjournment.

The Senate when organized and sitting as a court of impeachment, shall have power to recess from time to time, and hold sessions after the adjournment of the Legislature.

Added by Laws 1915, c. 131, § 17, emerg. eff. March 12, 1915.

§51-68. Trial after adjournment - Per diem of Senators - How paid.

In case the court of impeachment shall sit and hold its sessions after the Legislature has adjourned, the Senators composing such court and the managers representing the House of Representatives shall be paid the same per diem and mileage as is prescribed for members of the Legislature when convened in regular session. The clerk, marshal, stenographers, and other employees shall receive the same compensation as is prescribed for like officers and employees in the Senate. The members, officers and employees of the court shall be paid upon certificates signed by the presiding Justice of the court, attested by its clerk.

Added by Laws 1915, c. 131, § 18, emerg. eff. March 12, 1915.

§51-69. Managers of trial - Powers of after-adjournment trial.

If the Senate shall sit as a court of impeachment after the adjournment of the House of Representatives, the managers appointed by the House to present and prosecute any impeachment proceedings shall have full power and authority after such adjournment to carry on and conduct such prosecution, and may appoint such stenographic or clerical assistants as may be required.

Added by Laws 1915, c. 131, § 19, emerg. eff. March 12, 1915.

§51-70. Expenses - How paid.

All expenses of any impeachment proceedings, after the Legislature shall have adjourned, shall be paid out of any legislative appropriation made for the payment of the per diem and expenses of any such Legislature, and shall be approved by the presiding Justice of the court and attested by its clerk; provided, that before any such claim shall be allowed against any said appropriation, the person making the claim must first make and submit an affidavit that such services have been actually rendered, or such expenses incurred, under the provisions of this act.

Added by Laws 1915, c. 131, § 20, emerg. eff. March 12, 1915.

§51-71. Procedure - Vote - Records.

The Senate, when sitting as a court of impeachment, shall have power to prescribe and adopt such rules of procedure as it may deem expedient for the orderly trial of the impeachment cases. When an accused person has been placed upon trial and the case is ready to be submitted to the Senators, sitting as members of a court of impeachment, for their decision, the roll of the members shall be called in open session upon each separate charge or count, contained in the articles of impeachment. Each Senator, when his name is called shall, if in his judgment the particular charge submitted has been proven, vote "yea" otherwise he shall vote "nay" which yea and nay vote shall be recorded in the journal of the court. If two-thirds (2/3) of the Senators present shall vote yea upon any charge or count contained in the article of impeachment, the accused shall

be adjudged guilty, and the judgment of the court shall be that he be removed from office. The proceedings of the court of impeachment shall be recorded by the clerk in a record kept for such purpose, when any case is finally concluded the record shall be signed by the presiding Justice or presiding officer, attested by the clerk and by him filed in the office of the Secretary of State as a permanent record.

Added by Laws 1915, c. 131, § 21, emerg. eff. March 12, 1915.

§51-91. Officers subject to removal.

All state officers not subject to impeachment under Section 1, Article 8 of the Constitution, and all county, city and municipal officers may, in addition to the methods now and causes provided by law, be removed from office as herein provided.

Added by Laws 1917, c. 205, p. 379, § 1, emerg. eff. Feb. 19, 1917.

§51-92. Supreme Court and district court - Jurisdiction.

The Supreme Court shall have and is hereby given concurrent with the district court, original jurisdiction of all special proceedings and actions authorized as provided for by this act, and either said Supreme Court or any district court wherein the petition shall be filed by the Attorney General as hereinafter provided, shall take full and complete original jurisdiction.

Added by Laws 1917, c. 205, p. 379, § 2, emerg. eff. Feb. 19, 1917.

§51-93. Official misconduct defined - Suspension.

Official misconduct within the meaning of this act is hereby defined to be:

1. Any willful failure or neglect to diligently and faithfully perform any duty enjoined upon such officer by the laws of this state.

2. Intoxication in any public place within the state produced by strong drink voluntarily taken.

3. Committing any act constituting a violation of any penal statute involving moral turpitude. Such an act has been committed, in the sense of this section, when the official involved has been convicted thereof by a court of record; and suspension from office as provided by Section 98 of this title shall be sought and is hereby authorized upon such conviction, even though the official so convicted has appealed such conviction.

Added by Laws 1917, c. 205, p. 379, § 3, emerg. eff. Feb. 19, 1917.

Amended by Laws 1959, p. 211, § 1, emerg. eff. July 15, 1959.

§51-94. Attorney General - Duties.

It shall be the duty of the Attorney General of this state, when directed by the Governor, or upon notice being received by the Attorney General in writing and verified by fifteen or more reputable

citizens of the county or by one percent (1%) of the registered voters that voted in the previous election for the political subdivision of which the officer who is the subject of the complaint is an official, whichever is greater, before some officer authorized to administer oaths, that any officer herein mentioned has been guilty of any of the acts, omissions or offenses as set out in Section 93 of this title, to investigate such complaint, and if on such investigation the Attorney General shall find that there is reasonable cause for such complaint, the Attorney General shall institute proceedings in the Supreme Court, or any district court of the county of the residence of the accused, to oust such officer from office.

Added by Laws 1917, c. 205, p. 380, § 4, emerg. eff. Feb. 19, 1917.

Amended by Laws 2004, c. 437, § 1, eff. Nov. 1, 2004.

§51-95. Speedy trial - Continuances.

Said proceedings in ouster shall be tried in a speedy manner, and shall have precedence in said court and shall be tried at the first term after the filing of the complaint or petition herein named; provided, the answer hereinafter mentioned shall have been on file at least ten (10) days before the day of trial.

A continuance may be granted either side for good cause shown, but no continuance shall be granted by an agreement of the parties.

Added by Laws 1917, c. 205, p. 380, § 5, emerg. eff. Feb. 19, 1917.

§51-96. Summons and pleadings.

Upon the filing of the complaint or petition for the writ of ouster, a summons shall issue for the defendant to appear and answer the same within twenty (20) days of the service thereof, and there shall accompany the summons and be served upon the defendant a copy of the complaint or petition filed against him.

The petition and answer shall constitute the only pleadings allowed, and all allegations in the answer shall be deemed controverted, and any and all questions as to the sufficiency of the petition or complaint shall be raised and determined upon the trial of the cause; and if said petition is held insufficient in form, the same shall be amended at once, and such amendment shall not delay the trial of the case.

Added by Laws 1917, c. 205, p. 380, § 6, emerg. eff. Feb. 19, 1917.

§51-97. Defendant guilty - Judgment of ouster.

If the defendant shall be found guilty, judgment of ouster shall be rendered against him.

Added by Laws 1917, c. 205, p. 381, § 7, emerg. eff. Feb. 19, 1917.

§51-98. Suspension during proceedings - Temporary appointment - Right to salary.

When the complaint or petition for removal is filed, if in addition to the matter charged as ground for removal, the complaint shall also pray that the officer charged be suspended from office pending an investigation or trial. The Supreme Court or any Judge thereof, or any district judge or court of the county of the residence of the accused, may, upon not less than ten (10) days' notice to the respondent, if sufficient cause appear from the petition and the affidavits or depositions then filed and presented, order the suspension of the accused from the functions of his office until the determination of the matter, and upon such suspension the court shall immediately appoint some proper and qualified person temporarily to fill said office and perform its duties until such proceedings for removal shall be finally determined, and in the event of the removal of the officer so suspended the vacancy shall be filled in the manner provided by law for filling vacancies in such office.

If on the final hearing of the complaint or petition herein, provided the officer is not removed from his office he shall receive the salary allowed him by law during the time of his suspension.

Such officer so temporarily appointed shall also in any event receive the same salary as is provided by law to be paid to the officer filling such position.

Added by Laws 1917, c. 205, p. 381, § 8, emerg. eff. Feb. 19, 1917.

§51-99. Name in which action commenced.

All actions under the provisions of this act shall be commenced in the name of the State of Oklahoma on the relation of the Attorney General of the state.

Added by Laws 1917, c. 205, p. 381, § 9, emerg. eff. Feb. 19, 1917.

§51-100. Attorney General - Powers.

The Attorney General of the state shall have the power, and he is hereby authorized and directed whenever complaint has been made and the names of witnesses furnished him, or whenever he deems necessary to issue subpoenas for such witnesses so furnished him, and for such other persons as he shall have reason to believe to have any knowledge of the truth of the complaint made, to cause said witnesses to appear before the Attorney General, or any magistrate or notary public, at the time and place in the county of the accused officer's residence, to be designated in the subpoena then and there to testify concerning the subject matter of such investigation.

Each witness shall be sworn to make true answers to all questions propounded to him touching the matter under investigation, and the testimony of each witness shall be reduced to writing and be signed by the witnesses.

The Attorney General is hereby authorized and empowered to administer the necessary oaths and affirmations to such witnesses.



All witnesses subpoenaed or used by the Attorney General in such special investigation, or upon the hearing of the complaint or petition in the district court, or the Supreme Court, shall be entitled to receive the same per diem and mileage as is allowed witnesses in the district court of the state, said fees to be paid by the Attorney General out of any funds of his office available for such purpose.

Any disobedience to such subpoena, or refusal to answer any proper question propounded by the Attorney General at such inquiry shall be a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1917, c. 205, p. 381, § 10, emerg. eff. Feb. 19, 1917.

#### §51-101. Witnesses.

No person shall be excused from testifying before said Attorney General, magistrate, or notary public, at any such investigation, or be excused from testifying in any proceeding brought in any court of competent jurisdiction under the provisions of this act, on the ground that his testimony may tend to incriminate him; but no person shall be prosecuted, or subjected to any penalty, or forfeiture for or on account of any transaction, matter, or thing, concerning which he may testify or produce evidence; nor shall such testimony be used against him for any crime or misdemeanor under the laws of this state, or in any subsequent civil proceeding against said witness.

Added by Laws 1917, c. 205, p. 382, § 11, emerg. eff. Feb. 19, 1917.

#### §51-102. Ouster proceedings for open and notorious violation of penal laws.

The Attorney General shall have power and is hereby authorized on his own initiative, when he has reason to believe that the gambling or prohibitory liquor laws, or other penal statutes of the state, are being openly and notoriously violated in any county of the state, or subdivision thereof, to institute proceedings in ouster against any and all officers mentioned and included within the terms of this act, whose duties charge them with the enforcement of the laws of this state, as fully as he is hereinbefore authorized to do.

Added by Laws 1917, c. 205, p. 382, § 12, emerg. eff. Feb. 19, 1917.

#### §51-103. Jury trial.

Upon the trial either party shall be entitled to a jury, and if the cause be tried in the Supreme Court of the state the jury shall be drawn and impaneled in the manner now provided by law for drawing and impaneling juries in the Supreme Court of the state, provided, that not more than two jurors from the same county shall serve thereon, and provided further, that in the event of the acquittal of

the accused all the costs of the action shall be taxed against the state.

Added by Laws 1917, c. 205, p. 383, § 13, emerg. eff. Feb. 19, 1917.

§51-104. Evidence on motion to suspend - Taking of depositions.

The evidence procured by the Attorney General upon the separate investigations and examination of witnesses herein authorized to be made, may be presented by him on the motion to suspend the officer. The Attorney General and the defendant shall have the right to take depositions of witnesses to be used in said action, upon the giving of five days' written notice to the adverse party of the time and particular place when and where such witnesses will be examined, and the name of the officer before whom they will be examined.

Added by Laws 1917, c. 205, p. 383, § 14, emerg. eff. Feb. 19, 1917.

§51-105. Prima facie evidence.

Proof that any of the penal statutes of the state which any such officer is enjoined by law to enforce, have been openly and notoriously violated within the jurisdiction of such officer shall be prima facie evidence of willful official misconduct on the part of such officer and unless controverted shall be sufficient ground for suspension or removal under the terms of this act.

Provided, nothing in this act shall relieve the state of the burden of proving the allegations against the accused by a preponderance of the evidence.

Added by Laws 1917, c. 205, p. 383, § 15, emerg. eff. Feb. 19, 1917.

§51-121. Declaration of policy.

In order to extend to employees of the state and its political subdivisions and of the instrumentalities of either, and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the Legislature, subject to the limitations of this act, that such steps be taken as to provide such protection to employees of the state and local governments on as broad a basis as is permitted under applicable federal law. It is also the policy of the Legislature that the protection afforded employees in positions covered by a retirement system on the date an agreement under this act is made applicable to service performed in such position, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.

Added by Laws 1949, p. 375, § 1, emerg. eff. June 1, 1949. Amended by Laws 1955, p. 277, § 1, emerg. eff. June 6, 1955.

§51-122. Definitions.

For the purposes of this act:

(a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such terms shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act;

(b) The term "employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, or any instrumentality of either, for such employer, except (1) service which in the absence of an agreement entered into under this act would constitute "employment" as defined in Section 209 of the Social Security Act; or (2) service by (a) an employee of the state, or by an employee of any political subdivision or instrumentality of either the state or a political subdivision if so provided in the plan submitted under Section 125 of this title by such subdivision or instrumentality (or joint coverage unit of which it is a member), in any class or classes of positions filled by popular election and any class or classes of positions the compensation for which is on a fee basis; or (3) until the end of the sixth full calendar month following the close of the second regular session of the State Legislature held after the enactment of this act, services (A) in the employ of the state, or (B) in the employ of a political subdivision or instrumentality when so provided by such subdivision or instrumentality in a plan submitted under Section 125, which are covered by a nonfederal pension, annuity, retirement, or similar fund or system which has been or is hereafter established by any such employer prior to the effective date of an agreement entered into pursuant to Section 123 of this title; unless and until a referendum has been held on the question of whether service in positions covered by such retirement system should be excluded from or included under an agreement under Section 123 of this title or a plan submitted under Section 125 of this title, as provided for in Section 218(d) (3) of the Federal Social Security Act, and a majority of the eligible employees voting in such referendum vote in favor of including service in such positions under such an agreement or plan, in which event, such services (A) in the employ of the state, or (B) in the employ of a political subdivision or instrumentality when so provided by such subdivision or instrumentality in a plan submitted under Section 125 of this title, shall constitute "employment"; provided, however, that in no event shall service in any policeman's or fireman's position be considered as "employment" within the meaning of this act, unless and until the Federal Social Security Act be amended to allow coverage of service in such a position;

(c) The term "employee" includes an officer of a state, political subdivision, or instrumentality;

(d) The term "state agency" means the Oklahoma Public Welfare Commission, created by Section 3, Article XXV of the Constitution of the State of Oklahoma;

(e) The term "federal agency" means in each case such federal officer, department, or agency as is charged on behalf of the federal government, by or under the applicable federal law, with the particular federal function referred to in this act in connection with such terms;

(f) The term "political subdivision" includes any county, township, municipal corporation, school district, or other independent governmental entity of equivalent rank;

(g) The term "instrumentality," when referring to an instrumentality of a state or political subdivision, includes only a juristic entity which is legally separate and distinct from the state or such subdivision and whose employees are not by virtue of their relation to such juristic entity employees of the state or such subdivision;

(h) The term "applicable federal law" refers to such provisions of federal law (including federal regulations and requirements issued pursuant thereto), if and when enacted, as provide for extending the benefits of Title II of the Social Security Act to employees of states, political subdivisions, and their instrumentalities;

(i) The term "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," as such Act has been and may from time to time be amended; and

(j) The term "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended. Added by Laws 1949, p. 375, § 2, emerg. eff. June 1, 1949. Amended by Laws 1955, p. 277, § 2, emerg. eff. June 6, 1955.

§51-123. Agreements with federal agencies and agencies of other states.

(a) Federal-State Agreement. The state agency, with the approval of the Governor, is hereby authorized, upon enactment of applicable federal law, to enter on behalf of the state into an agreement, or a modification or modifications thereof, with the federal agency, consistent with the terms and provisions of this act, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision thereof, or of any instrumentality of any one or more of the foregoing, with respect to services specified in such agreement, which constitute "employment" as defined in Section 122 of this title. Such agreement may contain such provisions relating to

coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the state agency and federal agency shall agree upon, but, except as may be otherwise required by or under applicable federal law as to the services to be covered, such agreement or modification thereof shall provide in effect that:

(1) Benefits will be provided for employees whose services are covered by the agreement or modification thereof (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act.

(2) The state will pay to the federal agency, at such time or times as may be prescribed by the applicable federal law or by regulations of the federal agency, contributions with respect to wages (as defined in Section 122 of this title), equal to the sum of the taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement or modification thereof constituted employment within the meaning of that Act.

(3) Such agreement or modification thereof shall be effective with respect to services performed after a date specified therein but shall in no event cover (A), in the case of state employees, any service performed prior to the beginning of the first calendar month after the date on which such agreement or modification thereof is entered into, or (B), in the case of employees of a political subdivision or of an instrumentality of either the state or a political subdivision, any service performed prior to the beginning of the first calendar month after the approval of the plan submitted under Section 125, except that a modification entered into after December 31, 1954, may be effective with respect to services performed after December 31, 1954, or after a later date specified in such modification.

(4) All services which constitute employment as defined in Section 122 and are performed in the employ of the state by employees of the state shall be covered by the agreement or modification thereof.

(5) All services which (A) constitute employment as defined in Section 122, (B) are performed in the employ of a political subdivision or in the employ of an instrumentality of either the state or a political subdivision, and (C) are covered by a plan which is in conformity with the terms of the agreement or modification thereof and has been approved by the state agency under Section 125 shall be covered by the agreement or modification thereof.

(6) As modified, the agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals to whom Section 218(d) (3) (C) of the Social Security Act is applicable, and shall provide that the service

of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system.

(b) Interstate Agreements. The state agency is hereby authorized to enter on behalf of the state into an agreement, consistent to the extent practicable with the terms and provisions of subsection (a) and other provisions of this act, with the appropriate agency or agencies of any other state or states and with the federal agency, whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of any instrumentality jointly created by this state and such other state or states.

(c) Retirement System as Separate Systems. Pursuant to Section 218(d)(6) of the Social Security Act, the Teachers' Retirement System shall, for the purposes of this act, be deemed to constitute a separate retirement system with respect to the state and a separate retirement system with respect to each political subdivision having positions covered thereby.

Added by Laws 1949, p. 376, § 3, emerg. eff. June 1, 1949. Amended by Laws 1953, p. 219, § 1, emerg. eff. June 8, 1953; Laws 1955, p. 278, § 3, emerg. eff. June 6, 1955.

§51-124. Contributions by state employees.

(a) Every employee of the state whose services are covered by an agreement entered into under Section 123 shall be required to pay for the period of such coverage, into the Contribution Fund established by Section 126, contributions, with respect to wages (as defined in Section 122 of this title), equal to the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. Such liability shall arise in consideration of the employee's retention in the service, or his entry upon such service, after the enactment of this act.

(b) The contribution imposed by this section shall be collected by the state by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments or refund if adjustment is impracticable shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

Added by Laws 1949, p. 377, § 4, emerg. eff. June 1, 1949. Amended by Laws 1955, p. 279, § 4, emerg. eff. June 6, 1955.

§51-125. Plans for coverage of employees of political subdivisions and of state and local instrumentalities.

(a) Each political subdivision of the state and each instrumentality of the state or of a political subdivision is hereby authorized to submit for approval by the state agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable federal law, to employees of any such political subdivision or instrumentality. If not precluded by applicable federal law and under such conditions as the state agency may by regulation prescribe, two or more such political subdivisions or instrumentalities may, for the purposes of this act, form a joint coverage unit and as such submit for approval a joint plan if otherwise, because of the requirements of the agreement entered into pursuant to Section 123 or because of the requirements imposed by or under applicable federal law, any subdivision or instrumentality included in such unit would be unable to submit an approvable plan. Each such plan or any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless:

(1) It is in conformity with the requirements of the applicable federal law and with the agreement entered into under Section 123;

(2) It provides that all services which constitute employment as defined in Section 122 and are performed in the employ of the political subdivision or instrumentality, or in the employ of any member of a joint coverage unit submitting the plan, by any employees thereof, shall be covered by the plan, provided that the plan may exclude from its coverage any services which, under the provisions of that section, are excluded from the term "employment" when so specified in a plan, except that it may exclude services performed by individuals to whom Section 218(d) (3) (C) of the Social Security Act is applicable;

(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) It provides for such methods of administration of the plan by the political subdivision or instrumentality or members of the joint coverage unit as are found by the state agency to be necessary for the proper and efficient administration of the plan;

(5) It provides that the political subdivision or instrumentality or members of the joint coverage unit will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the federal agency may from time to time find necessary to assure the correctness and verification of such reports; and

(6) It authorizes the state agency to terminate the plan in its entirety or, in the discretion of the state agency, as to any member of a joint coverage unit, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and be consistent with applicable federal law.

(b) The state agency shall not finally refuse to approve a plan submitted under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to each political subdivision or instrumentality affected thereby.

(c) (1) Each political subdivision or instrumentality as to which a plan has been approved under this section shall pay into the Contribution Fund, with respect to wages (as defined in Section 122 of this title), at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under Section 123.

(2) Every political subdivision or instrumentality required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this act, to impose upon its employees, as to services which are covered by an approved plan, a contribution with respect to wages (as defined in Section 122 of this title), not exceeding the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from the wages as and when paid. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of six percent (6%) per annum, be recovered by action in a court of competent jurisdiction against the political subdivision or instrumentality liable therefor or may, at the request of the state agency, be deducted from any other monies payable to such subdivision or instrumentality by any department or agency of the state.

Added by Laws 1949, p. 377, § 5, emerg. eff. June 1, 1949. Amended by Laws 1955, p. 280, § 5, emerg. eff. June 6, 1955.

§51-126. Contribution Fund.

(a) There is hereby established a special fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited in such fund:



(1) all contributions, interest, and penalties collected under Sections 124 and 125 of this title;

(2) all monies appropriated thereto under this act;

(3) all monies paid to the state pursuant to any agreement entered into under Section 123(b) of this title;

(4) any property or securities and earnings thereof acquired through the use of monies belonging to this fund;

(5) interest earned upon any monies in the fund; and

(6) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other monies received for the fund from any other source.

All monies in the fund shall be mingled and undivided. Subject to the provisions of this act, the state agency is vested with full power, authority, and jurisdiction over the fund, including all monies and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof, consistent with the provisions of this act.

(b) The Contribution Fund shall be established and held separate and apart from any other funds or monies of the state and shall be used and administered exclusively for the purpose of this act. Withdrawals from such fund shall be made for and solely for (A) payment of amounts required to be paid to the federal agency pursuant to an agreement entered into under Section 123 of this title; (B) payment of refunds provided for in Section 124(c) of this title; (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality; and (D) to pay administrative costs related to the purposes of this section. Provided, however, for the fiscal year ending June 30, 1994, the Department of Human Services is authorized to expend an amount not to exceed Six Hundred Nineteen Thousand Seventy-eight Dollars (\$619,078.00) for the general operation of the agency.

(c) From the Contribution Fund the custodian of the fund shall pay to the federal agency such amount and at such time or times as may be directed by the state agency in accordance with any agreement entered into under Section 123 of this title and applicable federal law.

(d) The Treasurer of the state shall be ex officio treasurer and custodian of the Contribution Fund and shall administer such fund in accordance with the provisions of this act and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

(e) There are hereby authorized to be appropriated annually to the Contribution Fund, in addition to the contributions collected and paid into the Contribution Fund under Sections 124 and 125 of this title, to be available for the purposes of subsections (b) and (c) of

this section until expended, such additional sums as are found to be necessary in order to make the payments to the federal agency which the state is obligated to make pursuant to an agreement entered into under Section 123 of this title.

Added by Laws 1949, p. 378, § 6, emerg. eff. June 1, 1949. Amended by Laws 1955, p. 281, § 6, emerg. eff. June 6, 1955; Laws 1961, p. 432, § 1, emerg. eff. June 28, 1961; Laws 1987, c. 196, § 16, operative July 1, 1987; Laws 1993, c. 279, § 23.

§51-127. Administrative appropriation.

For the purpose of administering the provisions of this act there is hereby appropriated from any surplus accruing to the credit of the Emergency Appropriation Fund for the fiscal year ending June 30, 1949, the sum of \_\_\_\_\_ to be expended by the Oklahoma Employment Security Commission to carry out the purposes of this act. The funds herein appropriated shall not be subject to fiscal year limitations and may be contracted or expended at any time within thirty (30) months from passage of this act. The Oklahoma Employment Security Commission may create positions, employ necessary personnel and fix the salary of officials and employees required to administer this act.

Added by Laws 1949, p. 379, § 7, emerg. eff. June 1, 1949.

§51-128. Rules and regulations.

The state agency shall make and publish rules and regulations, not inconsistent with the provisions of this act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this act.

Added by Laws 1949, p. 380, § 8, emerg. eff. June 1, 1949.

§51-129. Studies and reports.

The state agency shall make studies concerning the problem of old-age and survivors insurance protection for employees of the state and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this act and shall submit a report to the legislature at the beginning of each regular session, covering the administration and operation of this act during the preceding calendar year, including such recommendations for amendments to this act as it considers proper.

Added by Laws 1949, p. 380, § 9, emerg. eff. June 1, 1949.

§51-130. Separability.

If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Added by Laws 1949, p. 380, § 10, emerg. eff. June 1, 1949.

§51-131. Referenda and certification.

(a) With respect to employees of the state in positions covered by a retirement system established by the state, the Governor is empowered to authorize a referendum upon the question of whether service in positions covered by such retirement system should be excluded from or included under an agreement, or modification thereof, under Section 123 of this title; and, with respect to employees of any political subdivision or instrumentality in positions covered by a retirement system established by the state or by such subdivision or instrumentality, the Governor, upon written request of the governing body of such subdivision or instrumentality, shall authorize a referendum upon the question of whether positions covered by such retirement system should be excluded from or included under a plan submitted by such subdivision or instrumentality under Section 125 of this title. In either case the referendum shall be conducted, and the Governor shall designate an agency or individual to supervise its conduct, in accordance with the requirement of Section 218(d) (3) of the Federal Social Security Act; and the notice of referendum required by said Section 218(d) (3) of the Federal Social Security Act shall contain, or shall be accompanied by, a statement in such form and in such detail as the agency or individual designated by the Governor to conduct such referendum shall deem necessary to inform the eligible employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, in event their services are included under such an agreement or plan.

(b) Upon receiving evidence satisfactory to him that, with respect to any such referendum, the conditions specified in Section 218(d) (3) of the Federal Social Security Act have been met, the Governor shall so certify to the appropriate federal agency.

(c) Nothing in this section shall be construed as allowing or providing for coverage of services in a policeman's or fireman's position, unless and until the Federal Social Security Act be amended to allow coverage of services in such a position.

Added by Laws 1955, p. 282, § 7, emerg. eff. June 6, 1955.

§51-132. Withholding by board of education - Determination of coverage.

Upon request of any employee, the board of education of the school district by which he is employed may withhold two percent (2%) of the employee's wages paid after December 31, 1954, and, in the event that any such amounts are so withheld from an employee's wages, the board of education shall also set aside an equal amount from school district enrichment funds. All amounts withheld from employees' salaries or set aside from funds of a school district, as provided above, shall be held in a special account by the board of

education of such district until it has been determined that the employees of such school district will or will not be covered by the Federal Social Security Program.

If it is determined that the employees of the school district will be covered by the Federal Social Security Program, the board of education of the school district shall forthwith pay, from funds withheld or set aside as hereinbefore provided, to the state agency designated to receive social security contributions of political subdivisions, an amount equal to four percent (4%) of the wages of such employees.

If it is determined that the employees of a school district will not be covered by the Federal Social Security Program, or if no determination has been made by December 31, 1957, all amounts withheld from employees' salaries shall forthwith be returned to the employees from whom they are withheld, and the amounts set aside from school district funds shall forthwith be replaced in the General Fund of the school district and made available for financing the appropriations of the district, but shall not be considered as income chargeable to the support of the minimum program of the school district.

Added by Laws 1955, p. 282, § 8, emerg. eff. June 6, 1955.

§51-151. Short title.

This act shall be known and may be cited as "The Governmental Tort Claims Act".

Added by Laws 1978, c. 203, § 1, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 1, eff. Oct. 1, 1985.

§51-152. Definitions.

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 state to administer health care in the ordinary course of business or the practice of a profession and who provides care to a medically indigent person, as defined in paragraph 9 of this section, with no expectation of or acceptance of compensation of any kind;
4. "Claim" means any written demand presented by a claimant or the claimant's authorized representative in accordance with this act to recover money from the state or political subdivision as compensation for an act or omission of a political subdivision or the state or an employee;

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

- a. any person holding an interest in real or personal property which suffers a loss, provided that the claim of the person shall be aggregated with claims of all other persons holding an interest in the property and the claims of all other persons which are derivative of the loss, and that multiple claimants shall be considered a single claimant,
- b. the individual actually involved in the accident or 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 application, or, if denied, a new application, no later than six (6) months from the date of the official notification from the U.S. Department of Health and Human Services requiring resubmission of a new application;

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

- a. Employee also includes:

- (1) all elected or appointed officers, members of governing bodies and other persons designated to act for an agency or political subdivision, but the term does not mean a person or other legal entity while acting in the capacity of an independent contractor or an employee of an independent contractor,
  - (2) from September 1, 1991, through June 30, 1996, licensed physicians, licensed osteopathic physicians and certified nurse-midwives providing prenatal, delivery or infant care services to State Department of Health clients pursuant to a contract entered into with the State Department of Health in accordance with paragraph 3 of subsection B of Section 1-106 of Title 63 of the Oklahoma Statutes but only insofar as services authorized by and in conformity with the terms of the contract and the requirements of Section 1-233 of Title 63 of the Oklahoma Statutes, and
  - (3) any volunteer, full-time or part-time firefighter when performing duties for a fire department provided for in subparagraph j of paragraph 11 of this section.
- b. For the purpose of The Governmental Tort Claims Act, the following are employees of this state, regardless of the place in this state where duties as employees are performed:
- (1) physicians acting in an administrative capacity,
  - (2) resident physicians and resident interns participating in a graduate medical education program of the University of Oklahoma Health Sciences Center, the College of Osteopathic Medicine of Oklahoma State University, or the Department of Mental Health and Substance Abuse Services,
  - (3) faculty members and staff of the University of Oklahoma Health Sciences Center and the College of Osteopathic Medicine of Oklahoma State University, while engaged in teaching duties,
  - (4) physicians who practice medicine or act in an administrative capacity as an employee of an agency of the State of Oklahoma,
  - (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 Services and are providing such treatment services at a state-operated facility.

Physician faculty members and staff of the University of Oklahoma Health Sciences Center and the College of Osteopathic Medicine of Oklahoma State University not acting in an administrative capacity or engaged in teaching duties are not employees or agents of the state.

- c. Except as provided in subparagraph b of this paragraph, in no event shall the state be held liable for the tortious conduct of any physician, resident physician or intern while practicing medicine or providing medical treatment to patients;

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

9. "Medically indigent" means a person requiring medically necessary hospital or other health care services for the person or the dependents of the person who has no public or private third-party

coverage, and whose personal resources are insufficient to provide for needed health care;

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

11. "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,
- 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 Authority 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,
  - k. for purposes of The Governmental Tort Claims Act only, an Emergency Services Provider rendering services within the boundaries of a Supplemental Emergency Services District pursuant to an existing contract between the Emergency Services Provider and the State Department of Health. Provided, however, that the acquisition of commercial liability insurance covering the activities of such Emergency Services Provider performed within the State of Oklahoma 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 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, and
  - r. a circuit engineering district created pursuant to Section 687.1 of Title 69 of the Oklahoma Statutes,
- and all their institutions, instrumentalities or agencies;

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

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

14. "Tort" means a legal wrong, independent of contract, involving violation of a duty imposed by general law, statute, the Constitution of the State of Oklahoma, or otherwise, resulting in a loss to any person, association or corporation as the proximate result of an act or omission of a political subdivision or the state or an employee acting within the scope of employment.

Added by Laws 1978, c. 203, § 2, eff. July 1, 1978. Amended by Laws 1979, c. 280, § 1, eff. July 1, 1979; Laws 1984, c. 226, § 2, eff. Oct. 1, 1985; Laws 1986, c. 95, § 1, eff. Nov. 1, 1986; Laws 1986, c. 257, § 2, eff. Nov. 1, 1986; Laws 1986, c. 247, § 21, operative July 1, 1986; Laws 1987, c. 123, § 1, eff. Nov. 1, 1987; Laws 1987, c. 234, § 1, eff. July 1, 1987; Laws 1989, c. 286, § 8, emerg. eff. May 24, 1989; Laws 1990, c. 313, § 1, emerg. eff. May 30, 1990; Laws 1991, c. 55, § 3, eff. Sept. 1, 1991; Laws 1991, c. 250, § 6, eff. Sept. 1, 1991; Laws 1992, c. 69, § 26, emerg. eff. April 13, 1992; Laws 1993, c. 177, § 4, emerg. eff. May 13, 1993; Laws 1994, c. 329, § 10, eff. July 1, 1994; Laws 2000, c. 59, § 2, emerg. eff. April 14, 2000; Laws 2001, c. 42, § 1, eff. July 1, 2002; Laws 2002, c. 462, § 2, eff. July 1, 2002; Laws 2003, c. 193, § 1, eff. Nov. 1, 2003; Laws 2003, c. 304, § 1, emerg. eff. May 28, 2003; Laws 2004, c. 46, § 1, eff. July 1, 2004; Laws 2004, c. 368, § 19, eff. Nov. 1, 2004; Laws 2007, c. 139, § 1, eff. Nov. 1, 2007; Laws 2008, c. 348, § 1, eff. Nov. 1, 2008; Laws 2009, c. 315, § 1, eff. Nov. 1, 2009; Laws 2010, c. 2, § 21, emerg. eff. March 3, 2010; Laws 2010, c. 134, § 1, eff. Nov. 1, 2010; Laws 2010, c. 255, § 1, eff. Nov. 1, 2010; Laws 2014, c. 77, § 1, emerg. eff. April 21, 2014; Laws 2018, c. 233, § 1, eff. Nov. 1, 2018.

NOTE: Laws 1984, c. 228, § 1 repealed by Laws 1985, c. 357, § 5, eff. Oct. 1, 1985. Laws 1987, c. 82, § 1 repealed by Laws 1987, c. 234, § 2, eff. July 1, 1987. Section 1 of Vetoed House Bill No. 2637 of 2001 repealed by Laws 2002, c. 462, § 5, eff. July 1, 2002. Laws 2009, c. 234, § 143 repealed by Laws 2010, c. 2, § 22, emerg. eff. March 3, 2010. Laws 2009, c. 313, § 1 repealed by Laws 2010, c. 2, § 23, emerg. eff. March 3, 2010.

NOTE: The effective date of Laws 2001, c. 42, § 1 was amended from Nov. 1, 2001, to July 1, 2002, by Laws 2001, 1st Ex. Sess., c. 4, § 1, emerg. eff. Oct. 24, 2001.

#### §51-152.1. Sovereign immunity.

A. The State of Oklahoma does hereby adopt the doctrine of sovereign immunity. The state, its political subdivisions, and all of their employees acting within the scope of their employment, whether performing governmental or proprietary functions, shall be immune from liability for torts.

B. The state, only to the extent and in the manner provided in this act, waives its immunity and that of its political subdivisions. In so waiving immunity, it is not the intent of the state to waive any rights under the Eleventh Amendment to the United States Constitution.

Added by Laws 1984, c. 226, § 3, eff. Oct. 1, 1985.

#### §51-152.2. Agreements with charitable health care providers - Care for medically indigent persons - Rules - Claims not to affect insurance rates.

A. 1. The State Department of Health, or a city-county health department, may enter into agreements with charitable health care providers in which the provider stipulates to the State Department of Health, or a city-county health department, that when the provider renders professional services to a medically indigent person in a free clinic as provided in Section 32 of Title 76 of the Oklahoma Statutes, or when a patient is referred from a free clinic to another charitable health care provider for medical services, such services will be provided gratuitously;

2. The State Department of Health shall adopt rules which specify the conditions for termination of any such agreement, and the rules shall be made a part of the agreement. A city-county health department shall utilize the same rules as adopted by the State Department of Health for administration of the provisions of this section; and

3. A charitable health care provider, for purposes of any claim for damages arising as a result of rendering professional services to a medically indigent person, which professional services were rendered gratuitously in a free clinic as provided in Section 32 of Title 76 of the Oklahoma Statutes, or when a patient is referred from

a free clinic to another charitable health care provider for medical services, at a time when an agreement entered into by the charitable health care provider with the State Department of Health, or a city-county health department, pursuant to this section was in effect, shall be considered an employee of the state under The Governmental Tort Claims Act.

B. The State Department of Health shall adopt rules on eligibility criteria for determining whether a person qualifies as a medically indigent person. A city-county health department shall utilize the same rules as adopted by the State Department of Health for administration of the provisions of this section.

C. Any claim arising from the rendering of or failure to render professional services by a charitable health care provider brought pursuant to The Governmental Tort Claims Act shall not be considered by an insurance company in determining the rate charged for any professional liability insurance policy for health care providers nor whether to cancel any such policy.

Added by Laws 2007, c. 139, § 2, eff. Nov. 1, 2007.

§51-152.3. Agreements with community health care providers - Rendition of professional services without compensation - Rules - Status of provider as employee of state - Professional liability insurance of providers.

A. 1. The State Department of Health may enter into agreements with community health care providers in which the provider stipulates to the State Department of Health that when the provider renders professional services, such services will be provided without compensation to the community health care provider, although the facility may assess a sliding-scale co-pay fee.

2. The State Department of Health shall adopt rules which specify the conditions for termination of any such agreement, and the rules shall be made a part of the agreement.

3. A community health care provider, for purposes of any claim for damages arising as a result of rendering professional services to a person, which professional services were rendered without compensation or expectation of payment to the community health care provider, at a time when an agreement entered into by the community health care provider with the State Department of Health, pursuant to this section, was in effect, shall be considered an employee of the state under The Governmental Tort Claims Act.

B. The State Board of Health may promulgate rules to implement the provisions of this section; provided that, health center sliding-fee scales shall be in accordance with federal law.

C. Any claim arising from the rendering of or failure to render professional services by a community health care provider brought pursuant to The Governmental Tort Claims Act shall not be considered by an insurance company in determining the rate charged for any

professional liability insurance policy for health care providers nor whether to cancel any such policy.

Added by Laws 2009, c. 315, § 2, eff. Nov. 1, 2009.

§51-153. Liability - Scope - Exemptions - Exclusivity.

A. The state or a political subdivision shall be liable for loss resulting from its torts or the torts of its employees acting within the scope of their employment subject to the limitations and exceptions specified in The Governmental Tort Claims Act and only where the state or political subdivision, if a private person or entity, would be liable for money damages under the laws of this state. The state or a political subdivision shall not be liable under the provisions of The Governmental Tort Claims Act for any act or omission of an employee acting outside the scope of the employee's employment.

B. The liability of the state or political subdivision under The Governmental Tort Claims Act shall be exclusive and shall constitute the extent of tort liability of the state, a political subdivision or employee arising from common law, statute, the Oklahoma Constitution, or otherwise. If a court of competent jurisdiction finds tort liability on the part of the state or a political subdivision of the state based on a provision of the Oklahoma Constitution or state law other than The Governmental Tort Claims Act, the limits of liability provided for in The Governmental Tort Claims Act shall apply.

C. If an action is commenced alleging tort liability on the part of the state or a political subdivision of the state or an employee of the state or of a political subdivision of the state based on a provision of the Oklahoma Constitution or state law other than The Governmental Tort Claims Act, the action shall name as defendant the state or political subdivision against which liability is sought to be established. In no instance in any such action shall an employee of the state or of a political subdivision of the state acting within the scope of employment be named as defendant; provided, however, such person may be named as defendant under alternative allegations that such person did not act within the scope of employment.

Added by Laws 1978, c. 203, § 3, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 4, eff. Oct. 1, 1985; Laws 2014, c. 77, § 2, emerg. eff. April 21, 2014; Laws 2015, c. 308, § 1, emerg. eff. May 12, 2015.

NOTE: Laws 1984, c. 228, § 2 repealed by Laws 1985, c. 357, § 5, operative Oct. 1, 1985.

§51-153.1. Housing of federal inmates from another state - Private prison facilities - Public trusts - Action or recovery barred.

Nothing in the Governmental Tort Claims Act shall be construed as allowing an action or recovery against this state, against any city, town or county that is the sole beneficiary of a public trust, or

against any employee of this state or any city, town or county of this state due to the housing of federal inmates or inmates from another state in facilities owned or operated by private prison contractors. If a public trust that has as its sole beneficiary a city, town or county has a facility that houses federal inmates or inmates from another state, the immunity provided for in the Governmental Tort Claims Act shall not apply to that trust. Added by Laws 1991, c. 307, § 4, emerg. eff. June 4, 1991.

§51-154. Extent of liability - Wrongful criminal felony convictions resulting in imprisonment - Punitive or exemplary damages - Joinder of parties - Several liability.

A. The total liability of the state and its political subdivisions on claims within the scope of The Governmental Tort Claims Act, arising out of an accident or occurrence happening after the effective date of this act, Section 151 et seq. of this title, shall not exceed:

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

2. Except as otherwise provided in this paragraph, One Hundred Twenty-five Thousand Dollars (\$125,000.00) to any claimant for a claim for any other loss arising out of a single act, accident, or occurrence. The limit of liability for the state or any city or county with a population of three hundred thousand (300,000) or more according to the latest federal Decennial Census shall not exceed One Hundred Seventy-five Thousand Dollars (\$175,000.00). Except however, the limits of said liability for the University Hospitals and State Mental Health Hospitals operated by the Department of Mental Health and Substance Abuse Services for claims arising from medical negligence shall be Two Hundred Thousand Dollars (\$200,000.00). For claims arising from medical negligence by any licensed physician, osteopathic physician or certified nurse-midwife rendering prenatal, delivery or infant care services from September 1, 1991, through June 30, 1996, pursuant to a contract authorized by subsection B of Section 1-106 of Title 63 of the Oklahoma Statutes and in conformity with the requirements of Section 1-233 of Title 63 of the Oklahoma Statutes, the limits of said liability shall be Two Hundred Thousand Dollars (\$200,000.00); or

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

B. 1. Beginning on the effective date of this act, claims shall be allowed for wrongful criminal felony conviction resulting in imprisonment if the claimant has received a full pardon on the basis of a written finding by the Governor of actual innocence for the crime for which the claimant was sentenced or has been granted judicial relief absolving the claimant of guilt on the basis of

actual innocence of the crime for which the claimant was sentenced. The Governor or the court shall specifically state, in the pardon or order, the evidence or basis on which the finding of actual innocence is based.

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

- a. the individual was charged, by indictment or information, with the commission of a public offense classified as a felony,
- b. the individual did not plead guilty to the offense charged, or to any lesser included offense, but was convicted of the offense,
- c. the individual was sentenced to incarceration for a term of imprisonment as a result of the conviction,
- d. the individual was imprisoned solely on the basis of the conviction for the offense, and
- e. (1) in the case of a pardon, a determination was made by either the Pardon and Parole Board or the Governor that the offense for which the individual was convicted, sentenced and imprisoned, including any lesser offenses, was not committed by the individual, or  
(2) in the case of judicial relief, a court of competent jurisdiction found by clear and convincing evidence that the offense for which the individual was convicted, sentenced and imprisoned, including any lesser included offenses, was not committed by the individual and issued an order vacating, dismissing or reversing the conviction and sentence and providing that no further proceedings can be or will be held against the individual on any facts and circumstances alleged in the proceedings which had resulted in the conviction.

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

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

5. The provisions of this subsection shall apply to convictions occurring on or before the effective date of this act as well as convictions occurring after the effective date of this act. If a court of competent jurisdiction finds that retroactive application of

this subsection is unconstitutional, the prospective application of this subsection shall remain valid.

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

D. When the amount awarded to or settled upon multiple claimants exceeds the limitations of this section, any party may apply to the district court which has jurisdiction of the cause to apportion to each claimant the claimant's proper share of the total amount as limited herein. The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims against the state or its political subdivisions arising out of the occurrence. When the amount of the aggregate losses presented by a single claimant exceeds the limits of paragraph 1 or 2 of subsection A of this section, each person suffering a loss shall be entitled to that person's proportionate share.

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

F. The state or a political subdivision may petition the court that all parties and actions arising out of a single accident or occurrence shall be joined as provided by law, and upon order of the court the proceedings upon good cause shown shall be continued for a reasonable time or until such joinder has been completed. The state or political subdivision shall be allowed to interplead in any action which may impose on it any duty or liability pursuant to this act.

G. The liability of the state or political subdivision under The Governmental Tort Claims Act shall be several from that of any other person or entity, and the state or political subdivision shall only be liable for that percentage of total damages that corresponds to its percentage of total negligence. Nothing in this section shall be construed as increasing the liability limits imposed on the state or political subdivision under The Governmental Tort Claims Act.

Added by Laws 1978, c. 203, § 4, eff. July 1, 1978. Amended by Laws 1979, c. 280, § 2, eff. July 1, 1979; Laws 1982, c. 199, § 1, operative July 1, 1983; Laws 1984, c. 226, § 5, eff. Oct. 1, 1985; Laws 1986, c. 247, § 22, operative July 1, 1986; Laws 1988, c. 241, § 1, eff. Nov. 1, 1988; Laws 1988, c. 326, § 6, emerg. eff. July 13, 1988; Laws 1990, c. 51, § 115, emerg. eff. April 9, 1990; Laws 1991, c. 250, § 7, eff. Sept. 1, 1991; Laws 1994, c. 283, § 1, eff. Sept. 1, 1994; Laws 2000, c. 351, § 10, emerg. eff. June 6, 2000; Laws 2003, c. 304, § 2, emerg. eff. May 28, 2003.

NOTE: Laws 1984, c. 228, § 3 repealed by Laws 1985, c. 357, § 5, operative Oct. 1, 1985.



§51-155. Exemptions from liability.

The state or a political subdivision shall not be liable if a loss or claim results from:

1. Legislative functions;
2. Judicial, quasi-judicial, or prosecutorial functions, other than claims for wrongful criminal felony conviction resulting in imprisonment provided for in Section 154 of this title;
3. Execution or enforcement of the lawful orders of any court;
4. Adoption or enforcement of or failure to adopt or enforce a law, whether valid or invalid, including, but not limited to, any statute, charter provision, ordinance, resolution, rule, regulation or written policy;
5. Performance of or the failure to exercise or perform any act or service which is in the discretion of the state or political subdivision or its employees;
6. Civil disobedience, riot, insurrection or rebellion or the failure to provide, or the method of providing, police, law enforcement or fire protection;
7. Any claim based on the theory of attractive nuisance;
8. Snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the state or a political subdivision;
9. Entry upon any property where that entry is expressly or implied authorized by law;
10. Natural conditions of property of the state or political subdivision;
11. Assessment or collection of taxes or special assessments, license or registration fees, or other fees or charges imposed by law;
12. Licensing powers or functions including, but not limited to, the issuance, denial, suspension or revocation of or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authority;
13. Inspection powers or functions, including failure to make an inspection, review or approval, or making an inadequate or negligent inspection, review or approval of any property, real or personal, to determine whether the property complies with or violates any law or contains a hazard to health or safety, or fails to conform to a recognized standard;
14. Any loss to any person covered by any workers' compensation act or any employer's liability act;
15. Absence, condition, location or malfunction of any traffic or road sign, signal or warning device unless the absence, condition, location or malfunction is not corrected by the state or political subdivision responsible within a reasonable time after actual or

constructive notice or the removal or destruction of such signs, signals or warning devices by third parties, action of weather elements or as a result of traffic collision except on failure of the state or political subdivision to correct the same within a reasonable time after actual or constructive notice. Nothing herein shall give rise to liability arising from the failure of the state or any political subdivision to initially place any of the above signs, signals or warning devices. The signs, signals and warning devices referred to herein are those used in connection with hazards normally connected with the use of roadways or public ways and do not apply to the duty to warn of special defects such as excavations or roadway obstructions;

16. Any claim which is limited or barred by any other law;

17. Misrepresentation, if unintentional;

18. An act or omission of an independent contractor or consultant or his or her employees, agents, subcontractors or suppliers or of a person other than an employee of the state or political subdivision at the time the act or omission occurred;

19. Theft by a third person of money in the custody of an employee unless the loss was sustained because of the negligence or wrongful act or omission of the employee;

20. Participation in or practice for any interscholastic or other athletic contest sponsored or conducted by or on the property of the state or a political subdivision;

21. Participation in any activity approved by a local board of education and held within a building or on the grounds of the school district served by that local board of education before or after normal school hours or on weekends;

22. Use of indoor or outdoor school property and facilities made available for public recreation before or after normal school hours or on weekends or school vacations, except those claims resulting from willful and wanton acts of negligence. For purposes of this paragraph:

a. "public" includes, but is not limited to, students during nonschool hours and school staff when not working as employees of the school, and

b. "recreation" means any indoor or outdoor physical activity, either organized or unorganized, undertaken for exercise, relaxation, diversion, sport or pleasure, and that is not otherwise covered by paragraph 20 or 21 of this section;

23. Any court-ordered, Department of Corrections or county approved work release program; provided, however, this provision shall not apply to claims from individuals not in the custody of the Department of Corrections based on accidents involving motor vehicles owned or operated by the Department of Corrections;

24. The activities of the National Guard, the militia or other military organization administered by the Military Department of the state when on duty pursuant to the lawful orders of competent authority:

- a. in an effort to quell a riot,
- b. in response to a natural disaster or military attack, or
- c. if participating in a military mentor program ordered by the court;

25. Provision, equipping, operation or maintenance of any prison, jail or correctional facility, or injuries resulting from the parole or escape of a prisoner or injuries by a prisoner to any other prisoner; provided, however, this provision shall not apply to claims from individuals not in the custody of the Department of Corrections based on accidents involving motor vehicles owned or operated by the Department of Corrections;

26. Provision, equipping, operation or maintenance of any juvenile detention facility, or injuries resulting from the escape of a juvenile detainee, or injuries by a juvenile detainee to any other juvenile detainee;

27. Any claim or action based on the theory of manufacturer's products liability or breach of warranty, either expressed or implied;

28. Any claim or action based on the theory of indemnification or subrogation;

29. Any claim based upon an act or omission of an employee in the placement of children;

30. Acts or omissions done in conformance with then current recognized standards;

31. Maintenance of the state highway system or any portion thereof unless the claimant presents evidence which establishes either that the state failed to warn of the unsafe condition or that the loss would not have occurred but for a negligent affirmative act of the state;

32. Any confirmation of the existence or nonexistence of any effective financing statement on file in the office of the Secretary of State made in good faith by an employee of the office of the Secretary of State as required by the provisions of Section 1-9-320.6 of Title 12A of the Oklahoma Statutes;

33. Any court-ordered community sentence;

34. Remedial action and any subsequent related maintenance of property pursuant to and in compliance with an authorized environmental remediation program, order, or requirement of a federal or state environmental agency;

35. The use of necessary and reasonable force by a school district employee to control and discipline a student during the time

the student is in attendance or in transit to and from the school, or any other function authorized by the school district;

36. Actions taken in good faith by a school district employee for the out-of-school suspension of a student pursuant to applicable Oklahoma Statutes; or

37. Use of a public facility opened to the general public during an emergency.

Added by Laws 1978, c. 203, § 5, eff. July 1, 1978. Amended by Laws 1979, c. 203, § 1, emerg. eff. May 25, 1979; Laws 1984, c. 226, § 6, eff. Oct. 1, 1985; Laws 1986, c. 66, § 1, eff. Nov. 1, 1986; Laws 1987, c. 69, § 12; Laws 1988, c. 134, § 4, emerg. eff. April 19, 1988; Laws 1988, c. 241, § 2, eff. Nov. 1, 1988; Laws 1991, c. 55, § 2, eff. Sept. 1, 1991; Laws 1994, c. 290, § 60, eff. July 1, 1994; Laws 1997, c. 133, § 74, eff. July 1, 1999; Laws 2000, c. 371, § 174, eff. July 1, 2001; Laws 2003, c. 304, § 3, emerg. eff. May 28, 2003; Laws 2004, c. 381, § 1, emerg. eff. June 3, 2004; Laws 2009, c. 228, § 85, eff. Nov. 1, 2009; Laws 2012, c. 16, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 34, emerg. eff. April 8, 2013; Laws 2016, c. 273, § 3, eff. Nov. 1, 2016.

NOTE: Laws 1984, c. 228, § 4 repealed by Laws 1985, c. 357, § 5, operative Oct. 1, 1985. Laws 2009, c. 98, § 12 repealed by Laws 2010, c. 2, § 24, emerg. eff. March 3, 2010. Laws 2012, c. 14, § 1 repealed by Laws 2013, c. 15, § 35, emerg. eff. April 8, 2013.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 74 from July 1, 1998 to July 1, 1999.

§51-155.1. Claims relating to roads, streets or highways -  
Limitation.

Nothing contained in this act shall be construed as allowing an action or recovery against the state or any of its officers or employees on a claim or cause of action founded upon any loss occurring from a defect or dangerous condition on any road, street or highway which was in existence, whether known or unknown:

1. On October 1, 1985; or

2. When an existing facility became or becomes a part of the state highway system; or

3. When an existing facility became or becomes the maintenance responsibility of the state, to the extent of that responsibility as required by law.

To the extent that the state is required by law to maintain a road, street, or highway within the territorial limits of a political subdivision, the political subdivision shall not be liable for any loss occurring from a defect or dangerous condition in the area required to be maintained by the state.

Added by Laws 1984, c. 226, § 7, eff. Oct. 1, 1985. Amended by Laws 1988, c. 241, § 3, eff. Nov. 1, 1988; Laws 1994, c. 28, § 1, emerg. eff. April 11, 1994.

§51-155.2. Liability of state for Y2K failure.

A. Except as provided in subsection C, D or E of this section, the state or any political subdivision of the state or an independent contractor of the state shall have no liability for losses from any failure or malfunction occurring before December 31, 2002, which is caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times.

B. Except as provided in subsection C, D or E of this section, no claim or cause of action, including, without limitation, any civil action or action for declaratory of injunctive relief, whether arising out of contract or arising independent of contract, may be brought against the state or any political subdivision of the state or against an independent contractor or an officer or employee of the state or a political subdivision on the basis that a computer or other information system that is owned or operated by any of those persons produced, calculated or generated an incorrect date or failed to accurately store, process, provide or receive data. Any contract entered into by or on behalf of and in the capacity of this state, an immune contractor or an officer or employee of the state or any of its agencies or political subdivisions must include a provision that provides immunity to those persons for any breach of contract that is caused by an incorrect date being produced, calculated or generated by a computer or computer system or caused a computer or computer system to fail to accurately store, process, provide or receive data that is owned or operated by any of those persons. Any contract subject to the provisions of this section that is entered into on or after July 1, 1999, has the legal effect of including the immunity required by this section, and any provision of the contract which is in conflict with this section is void. Notwithstanding any other provision herein, the provisions of this subsection shall not provide immunity from fulfilling a contract or relieve the state or any political subdivision of the state of its obligation to fulfill the terms of a contract or to provide services or make payments under the terms of the contract in a reasonable length of time.

C. A claim may be brought pursuant to the Governmental Tort Claims Act for negligence caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if the failure resulted in bodily injury or death.

D. Neither the state or any political subdivision of the state shall be immune from a claim or cause of action if remediation efforts were not begun by January 1, 1999.

E. Nothing in this section shall limit the liability of any individual or entity to the state or any political subdivision of the state, and contracts between the state or any political subdivision of the state and an independent contractor will not include a provision, express or implied, that grants the independent contractor immunity from liability to the state or any political subdivision of the state for any breach of contract that is caused by an incorrect date being produced, calculated or generated by a computer or computer system that is owned or operated by the independent contractor.

F. As used in this section:

1. "Independent contractor" means a defendant, as defined in Section 2 of this act, providing, pursuant to contract, a computer program or software, a computer system, or providing computer technical assistance to the state or a political subdivision of the state;

2. "Remediation efforts" means:

- a. in the case of software, writing computer code to correct dates in data sensitive programs,
- b. in the case of embedded chips or systems, testing the embedded systems or chips to determine if they are year 2000 compliant or assisting vendors in testing for such compliance, and
- c. making necessary corrections to make the system compliant; and

3. "Computer system" means any electronic device or collection of devices, including support devices, networks and embedded chips, and excluding calculators that are not programmable, that contain computer programs or electronic instructions and that perform functions including logic, arithmetic, data processing, data storage and retrieval, communication or control.

Added by Laws 1999, c. 302, § 5, eff. July 1, 1999.

§51-156. Presentation of claim - Limitation of actions - Filing - Notice - Wrongful death.

A. Any person having a claim against the state or a political subdivision within the scope of Section 151 et seq. of this title shall present a claim to the state or political subdivision for any appropriate relief including the award of money damages.

B. Except as provided in subsection H of this section, and notwithstanding any other provision of law, claims against the state or a political subdivision are to be presented within one (1) year of the date the loss occurs. A claim against the state or a political subdivision shall be forever barred unless notice thereof is presented within one (1) year after the loss occurs.

C. A claim against the state shall be in writing and filed with the Office of the Risk Management Administrator of the Office of

Management and Enterprise Services who shall immediately notify the Attorney General and the agency concerned and conduct a diligent investigation of the validity of the claim within the time specified for approval or denial of claims by Section 157 of this title. A claim may be filed by certified mail with return receipt requested. A claim which is mailed shall be considered filed upon receipt by the Office of the Risk Management Administrator.

D. A claim against a political subdivision shall be in writing and filed with the office of the clerk of the governing body.

E. The written notice of claim to the state or a political subdivision shall state the date, time, place and circumstances of the claim, the identity of the state agency or agencies involved, the amount of compensation or other relief demanded, the name, address and telephone number of the claimant, the name, address and telephone number of any agent authorized to settle the claim, and any and all other information required to meet the reporting requirements of the Medicare Secondary Payer Mandatory Reporting Provisions in Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA) through the Centers for Medicare & Medicaid Services (CMS). Failure to state either the date, time, place and circumstances and amount of compensation demanded, or any information requested to comply with the reporting claims to CMS under MMSEA shall not invalidate the notice unless the claimant declines or refuses to furnish such information after demand by the state or political subdivision. The time for giving written notice of claim pursuant to the provisions of this section does not include the time during which the person injured is unable due to incapacitation from the injury to give such notice, not exceeding ninety (90) days of incapacity.

F. When the claim is one for death by wrongful act or omission, notice may be presented by the personal representative within one (1) year after the death occurs. If the person for whose death the claim is made has presented notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.

G. Claims and suits against resident physicians or interns shall be made in accordance with the provisions of Titles 12 and 76 of the Oklahoma Statutes.

H. For purposes of claims based on wrongful felony conviction resulting in imprisonment provided for in Section 154 of this title, loss occurs on the date that the claimant receives a pardon based on actual innocence from the Governor or the date that the claimant receives judicial relief absolving the claimant of guilt based on actual innocence; provided, for persons whose basis for a claim occurred prior to the effective date of this act, the claim must be submitted within one (1) year after the effective date of this act. Added by Laws 1978, c. 203, § 6, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 8, eff. Oct. 1, 1985; Laws 1985, c. 357, § 2,

operative Oct. 1, 1985; Laws 1986, c. 247, § 23, operative July 1, 1986; Laws 1988, c. 61, § 1, eff. Nov. 1, 1988; Laws 1988, c. 241, § 4, eff. Nov. 1, 1988; Laws 1992, c. 285, § 4, emerg. eff. May 25, 1992; Laws 2001, c. 42, § 2, eff. July 1, 2002; Laws 2003, c. 304, § 4, emerg. eff. May 28, 2003; Laws 2006, c. 102, § 1, eff. Nov. 1, 2006; Laws 2010, c. 365, § 1, eff. Nov. 1, 2010; Laws 2012, c. 304, § 206.

NOTE: The effective date of Laws 2001, c. 42, § 2 was amended from Nov. 1, 2001, to July 1, 2002, by Laws 2001, 1st Ex. Sess., c. 4, § 1, emerg. eff. Oct. 24, 2001.

§51-157. Denial of claim - Notice.

A. A person may not initiate a suit against the state or a political subdivision unless the claim has been denied in whole or in part. A claim is deemed denied if the state or political subdivision fails to approve the claim in its entirety within ninety (90) days, unless the state or political subdivision has denied the claim or reached a settlement with the claimant before the expiration of that period. If the state or a political subdivision approves or denies the claim in ninety (90) days or less, the state or political subdivision shall give notice within five (5) days of such action to the claimant at the address listed in the claim. If the state or political subdivision fails to give the notice required by this subsection, the period for commencement of an action in subsection B of this section shall not begin until the expiration of the ninety-day period for approval. The claimant and the state or political subdivision may continue attempts to settle a claim, however, settlement negotiations do not extend the date of denial unless agreed to in writing by the claimant and the state or political subdivision.

B. No action for any cause arising under this act, Section 151 et seq. of this title, shall be maintained unless valid notice has been given and the action is commenced within one hundred eighty (180) days after denial of the claim as set forth in this section. The claimant and the state or political subdivision may agree in writing to extend the time to commence an action for the purpose of continuing to attempt settlement of the claim except no such extension shall be for longer than two (2) years from the date of the loss.

Added by Laws 1978, c. 203, § 7, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 9, eff. Oct. 1, 1985; Laws 1988, c. 241, § 5, eff. Nov. 1, 1988; Laws 1989, c. 25, § 1, emerg. eff. March 30, 1989; Laws 1994, c. 374, § 1, eff. Sept. 1, 1994; Laws 1995, c. 121, § 1, eff. Nov. 1, 1995.

NOTE: Laws 1984, c. 228, § 5 repealed by Laws 1985, c. 357, § 5, operative Oct. 1, 1985.



§51-158. Settlement or defense of claim - Settlement payout - Liability insurance - Public records.

A. The state or a political subdivision, after conferring with authorized legal counsel, may settle or defend against a claim or suit brought against it or its employee under The Governmental Tort Claims Act subject to any procedural requirements imposed by statute, ordinance, resolution or written policy, and may appropriate money for the payment of amounts agreed upon. When the amount of any settlement exceeds Twenty-five Thousand Dollars (\$25,000.00), and any payment required by the settlement will not be paid through an applicable contract or policy of insurance, the settlement shall not be effective until approved by the district court and entered as a judgment as provided by law.

B. Any settlement payout pursuant to this section may be structured in any manner as agreed to by the parties involved; provided, if the state is a party to the settlement, and the settlement provides for a structured settlement, the state may participate in the structured settlement if the state payments to the claimant or the insurance or annuity company that is the assignee of the claimant are completed within the fiscal year in which settlement is agreed to and if the parties sign a Qualified Assignment and Release Agreement that releases the state from further obligation.

C. If a policy or contract of liability insurance covering the state or political subdivision or its employees is applicable, the terms of the policy govern the rights and obligations of the state or political subdivision and the insurer with respect to the investigation, settlement, payment and defense of claims or suits against the state or political subdivision or its employees covered by the policy. However, the insurer may not enter into a settlement for an amount which exceeds the insurance coverage without the approval of the governing body of the state or political subdivision or its designated representative if the state or political subdivision is insured.

D. Nothing in this section shall be construed to repeal or modify Sections 361 through 365.6 and 435 of Title 62 of the Oklahoma Statutes and it is intended that this section be construed in conformance with those sections.

E. The state or a political subdivision shall not be liable for any costs, judgments or settlements paid through an applicable contract or policy of insurance but shall be entitled to set off those payments against liability arising from the same occurrence.

F. The state or a political subdivision shall have the right of subrogation against the insurer issuing any applicable contractor policy of insurance to the monetary limit of said policy of insurance or contract, if judgment or settlement of any claim arising pursuant to this act results in the imposition of monetary liability upon the state or the political subdivision.

G. Judgments, orders, and settlements of claims shall be open public records unless sealed by the court for good cause shown. Added by Laws 1978, c. 203, § 8, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 10, eff. Oct. 1, 1985; Laws 1988, c. 241, § 6, eff. Nov. 1, 1988; Laws 1997, c. 317, § 5, emerg. eff. May 29, 1997; Laws 2006, c. 102, § 2, eff. Nov. 1, 2006; Laws 2009, c. 315, § 3, eff. Nov. 1, 2009; Laws 2010, c. 370, § 1, eff. Nov. 1, 2010.

§51-159. Enforcement of judgments.

A. Judgments recovered against the state or political subdivisions under the provisions of this act shall be enforced in the same manner and to the same extent as judgments are now enforced against the state or political subdivisions under the law except as herein provided.

B. If the judgment is obtained against the state or a political subdivision that has procured a contract or policy of liability or indemnity insurance protection, the holder of the judgment may use the methods of collecting the judgment which are provided by the policy or contract or law to the extent of the limits of coverage provided.

C. For the payment of any judgment obtained under the provisions of this act against a political subdivision that is a self-insurer or not fully covered by liability insurance, the manner of paying a money judgment shall be as follows. Proof of indebtedness, as required in Sections 362 through 364 of Title 62 of the Oklahoma Statutes and evidence of any estimated tax levy or increases necessary to reimburse the sinking fund for the purposes of the judgment as provided in Section 431 of Title 62 of the Oklahoma Statutes, and other evidence or statements which the court may require, shall be made to the court before final judgment is rendered. As an alternative to paying the money judgment out of the sinking fund at the rate of one-third (1/3) each year, the court, based on consideration of evidence and proof, may provide for the judgment to be paid over a period of not less than one (1) nor more than ten (10) years. The interest rate on any judgment when payment is extended more than three (3) years shall be at the rate prescribed by law for the first three (3) years and at the rate of six percent (6%) for each remaining year.

D. Money judgments against the state not payable by insurance shall be paid in the following manner. An agency whose act or omission gave rise to the judgment may, at its discretion and upon approval of the Director of the Office of Management and Enterprise Services, pay a judgment or any portion thereof from any funds available to it. Provided, however, no agency shall be required to pay a judgment prior to the fiscal year next following the fiscal year in which the judgment is obtained. Any such judgment may be

paid at a rate of one-third (1/3) per fiscal year from funds available for operation of the agency.

E. Nothing in this act shall be interpreted as allowing liens on public property.

Added by Laws 1978, c. 203, § 9, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 11, eff. Oct. 1, 1985; Laws 2012, c. 304, § 207.

§51-160. Recovery of payments from employees.

The state or political subdivision shall have the right to recover from an employee for any claim or action under this act or any other claim or action any payments made by it for any judgment or settlement, or portion thereof, and costs or fees by or on behalf of an employee's defense if it is shown that the conduct of the employee which gave rise to the claim or action was outside the scope of his employment, or if the employee fails to cooperate in good faith in the defense of the claim or action. A judgment or settlement in an action or claim under this act shall constitute a complete bar to any action by the claimant against an employee whose conduct gave rise to the claim resulting in that judgment or settlement. Nothing in this act shall be construed to authorize the state or political subdivision to pay for any punitive or exemplary damages rendered against an employee.

Added by Laws 1978, c. 203, § 10, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 12, eff. Oct. 1, 1985.

§51-161. Repealed by Laws 1984, c. 226, § 16, eff. Oct. 1, 1985.

§51-161.1. Duty to defend, save harmless and indemnify employees - Payment of settlements and judgments.

When the state has a duty to defend any action pursuant to the provisions of this act, it shall be the duty of the Attorney General to defend all such actions, unless an agency of the state is authorized by law to employ its own attorneys, in which case said attorneys may defend such actions against the agency or the agency may request that the Attorney General defend such actions. If such a request is made, the Attorney General shall defend any such action. Added by Laws 1984, c. 226, § 13, eff. Oct. 1, 1985. Amended by Laws 1985, c. 357, § 1, operative Oct. 1, 1985.

§51-162. Defense of employees - Costs - Indemnification of employees - Punitive or exemplary damages - Privileges and immunities not waived.

A. The state or any political subdivision, subject to procedural requirements imposed by this section, other applicable statute, ordinance, resolution, or written policy, shall:

1. Provide a defense for any employee as defined in Section 152 of this title when liability is sought for any violation of property

rights or any rights, privileges, or immunities secured by the Constitution or laws of the United States when alleged to have been committed by the employee while acting within the scope of employment;

2. Pay or cause to be paid any judgment entered in the courts of the United States, the State of Oklahoma or any other state against any employee or political subdivision or settlement agreed to by the political subdivision entered against any employee, and any costs or fees, for a violation of property rights or any rights, privileges or immunities secured by the Constitution or laws of the United States which occurred while the employee was acting within the scope of employment. The maximum aggregate amount of indemnification paid directly from funds of the state or any political subdivision to or on behalf of any employee pursuant to this section shall not exceed the maximum figures authorized by the provisions of Section 154 of this title, regardless of the number of persons who suffer damage, injury or death as a result of the occurrence, unless, in the case of a political subdivision, the political subdivision establishes higher limits by ordinance, if a municipality, or, as to other political subdivisions, by resolution, published as required by law; and

3. For any cause of action filed against an employee on or after January 1, 1990, post or cause to be posted any supersedeas or other bond ordered by the court.

B. 1. The state or a political subdivision shall not be required to indemnify any employee of the state or a political subdivision under the provisions of this section, unless the employee is judicially determined to be entitled to such indemnification and a final judgment therefor is entered. The exclusive means of recovering indemnification from the state shall be by filing an application for indemnification in the district court of the county where venue is proper as provided for in paragraph 2 of this subsection. The exclusive means of recovering indemnification from a political subdivision shall be by filing an application for indemnification in the trial court where the judgment was entered. If the federal trial court cannot hear the action, such application shall be filed in the district court of the county where the situs of the municipality is located. Actions to determine entitlement to indemnification shall be tried to the court, sitting without a jury.

2. Venue for actions to determine entitlement to indemnification from the state shall be in Oklahoma County, except that a constitutional state agency, board or commission may, upon a resolution being filed with the Secretary of State, designate another situs for venue in lieu of Oklahoma County.

3. All applications for indemnification from the state or a political subdivision shall be filed in the name of the real party or parties in interest, and in no event shall any application be presented nor recovery made under the right of subrogation.

Indemnification from the state as provided for in this subsection shall extend only to acts or omissions occurring on or after January 1, 1984. The employee of the state or a political subdivision must file an application for indemnification within thirty (30) days of final judgment, or the right to seek indemnification shall be lost forever.

4. In order to recover indemnification from the state or a political subdivision pursuant to this subsection, the court shall determine by a preponderance of the evidence that:

- a. the employee reasonably cooperated in good faith in the defense of the action upon which the judgment or settlement was awarded and for which indemnification is sought;
  - b. the actions or omissions upon which such a judgment or settlement has been rendered were not the result of fraudulent conduct or corruption by the employee;
  - c. the employee, in committing the acts or omissions upon which a judgment or settlement has been rendered was acting in good faith and within any applicable written administrative policies known to the employee at the time of the omissions or acts alleged;
  - d. the employee was acting within the scope of employment at the time that the acts or omissions upon which a judgment or settlement has been rendered were committed by the employee;
  - e. the acts or omissions of the employee upon which a judgment or settlement has been rendered were not motivated by invidious discriminatory animus directed toward race, sex, or national origin; and
  - f. when punitive or exemplary damages are included in the total award rendered against the employee of a political subdivision, the indemnification amount sought for fees and costs does not include amounts attributable to the employee's defense against the punitive or exemplary damages in accordance with subsection D of this section.
5. a. Any indemnification judgment against the state under this section shall be an encumbrance against otherwise available unencumbered monies and unallocated unencumbered monies in the appropriations of the agency on whose behalf the employee to be indemnified was acting at the time of the act or omission upon which the judgment or settlement was awarded and for which indemnification was sought.
- b. If sufficient unencumbered monies or unallocated unencumbered monies do not exist in the agency's appropriations to pay the indemnification, the agency

shall make application to the Risk Management Division of the Office of Management and Enterprise Services for full payment of the indemnification out of the Risk Management Revolving Fund established pursuant to Section 85.58K of Title 74 of the Oklahoma Statutes. Payment out of this fund shall be authorized if there are sufficient monies greater than the sum total of the then pending fund indemnification judgment requests, and the reserves for future tort claims as certified by the Director of Risk Management.

- c. If sufficient monies do not exist in the Tort Claims Liability Revolving Fund, the agency shall request the Legislature to make an appropriation sufficient to pay the indemnification.
- d. Any indemnification judgment against a political subdivision shall be paid as provided in Sections 361 through 365.6 of Title 62 of the Oklahoma Statutes and Section 159 of this title.

C. The state or political subdivision shall have the right to recover from an employee the amount expended by the state or political subdivision to provide a defense, or pay a settlement agreed to by the employee and the state or political subdivision, or pay the final judgment, if it is shown that the employee's conduct which gave rise to the action was fraudulent or corrupt or if the employee fails to reasonably cooperate in good faith in defense of the action.

D. The state or a political subdivision shall not, under any circumstances, be responsible to pay or indemnify any employee for any punitive or exemplary damages rendered against the employee, nor to pay for any defense, judgment, settlement, costs, or fees which are paid or covered by any applicable policy or contract of insurance. Where any civil rights judgment upon which indemnification under subsection B of this section is applied for by an employee of the state includes an award for both actual and punitive or exemplary damages, the total amount of fees and costs for which indemnification may be allowed shall be limited to the percentage of fees and costs in the total award that the percentage of the award of actual damages bears to the total judgment awarded. It is the public policy of the State of Oklahoma that the state or a political subdivision may indemnify its employee for actual damages, fees, and costs as provided herein in any case in which the findings set out in paragraph B of this section have been determined.

E. Nothing in this section shall be construed to waive any immunities available to the state under the terms of the Eleventh Amendment to the Constitution of the United States. Any immunity or other bar to a civil lawsuit under state or federal law shall remain in effect. The fact that the state or a political subdivision may

relieve an employee from all judgments, settlements, costs, or fees arising from the civil lawsuit shall not, under any circumstances, be communicated to any trier of fact in the case of any trial by jury. Added by Laws 1978, c. 203, § 12, eff. July 1, 1978. Amended by Laws 1979, c. 280, § 3, eff. July 1, 1979; Laws 1986, c. 226, § 6, operative July 1, 1986; Laws 1987, c. 111, § 1, emerg. eff. May 26, 1987; Laws 1992, c. 371, § 4, eff. July 1, 1992; Laws 1997, c. 317, § 6, emerg. eff. May 29, 1997; Laws 1998, c. 288, § 1, emerg. eff. May 27, 1998; Laws 1998, c. 336, § 1, emerg. eff. June 3, 1998; Laws 1999, c. 110, § 1, eff. Nov. 1, 1999; Laws 2012, c. 304, § 208.

§51-163. Venue - Parties - Real party in interest - Service of process.

A. Venue for actions against the state within the scope of this act shall be either the county in which the cause of action arose or Oklahoma County, except that a constitutional state agency, board or commission may, upon resolution filed with the Secretary of State, designate another situs for venue in lieu of Oklahoma County.

B. Actions against all political subdivisions within the scope of this act shall be brought in the county in which the situs of the political subdivision is located or in the county in which the cause of action arose; provided, any action brought against a municipality which is an owner of a dam, based upon the construction, maintenance, or operation of the dam, shall be brought in the county where the dam or a major portion of the dam is located.

C. Suits instituted pursuant to the provisions of this act shall name as defendant the state or the political subdivision against which liability is sought to be established. In no instance shall an employee of the state or political subdivision acting within the scope of his employment be named as defendant with the exception that suits based on the conduct of resident physicians and interns shall be made against the individual consistent with the provisions of Title 12 of the Oklahoma Statutes.

D. All actions against the state or political subdivision shall be filed in the name of the real party or parties in interest, and in no event shall any claim be presented nor recovery be made under the right of subrogation.

E. In all actions against the state, service shall be perfected by mailing, by certified mail, return receipt requested, a summons and a copy of the petition to the Attorney General. Claimant shall also mail, by certified mail, return receipt requested, a copy of the summons and a copy of the petition to the administrative head of the state agency or agencies involved and a copy of the summons and a copy of the petition to the Risk Management Administrator of the Purchasing Division of the Office of Management and Enterprise Services.

F. In suits against political subdivisions the petition and summons shall be served in the manner prescribed by law for civil cases generally. If no method is prescribed by law, then service may be had on the administrative head of the political subdivision being sued, if available, and if not, the court in which the suit is pending may authorize service in such manner as may be calculated to afford the political subdivision a fair opportunity to answer and defend the suit.

G. No attempt shall be made in the trial of any action brought against the state or any political subdivision or employee within the scope of this act to suggest the existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff.

Added by Laws 1978, c. 203, § 13, eff. July 1, 1978. Amended by Laws 1984, c. 226, § 14, eff. Oct. 1, 1985; Laws 1985, c. 357, § 3, operative Oct. 1, 1985; Laws 1986, c. 247, § 24, operative July 1, 1986; Laws 1999, c. 293, § 24, eff. Nov. 1, 1999; Laws 2012, c. 304, § 209.

NOTE: Laws 1984, c. 228, § 6 repealed by Laws 1985, c. 357, § 5, operative Oct. 1, 1985.

§51-164. Application of Oklahoma laws and statutes and rules of procedure.

The laws and statutes of the State of Oklahoma and the Rules of Civil Procedure, as promulgated and adopted by the Supreme Court of Oklahoma insofar as applicable and to the extent that such rules are not inconsistent with the provisions of this act, shall apply to and govern all actions brought under the provisions of this act.

Added by Laws 1978, c. 203, § 14, eff. July 1, 1978.

§51-165. Exempt claims.

This act does not apply to any claim against any political subdivision or employee arising before the effective date of this act. Any such claim may be presented and enforced to the same extent and subject to the same procedures and restrictions as if this act had not been adopted.

Added by Laws 1978, c. 203, § 15, eff. July 1, 1978.

§51-166. Governmental and proprietary functions of political subdivisions - Application of act.

The distinction existing between governmental functions and proprietary functions of political subdivisions shall not be affected by the provisions of this act; however the provisions of this act shall apply to both governmental and proprietary functions.

Added by Laws 1978, c. 203, § 16, eff. July 1, 1978.

§51-167. Insurance.



A. The governing body of any municipality may:

1. Insure the municipality against all or any part of any liability it may incur for death, injury or disability of any person or for damage to property, either real or personal;

2. Insure any employee of the municipality against all or any part of his liability for injury or damage resulting from an act or omission in the scope of employment;

3. Insure against the expense of defending a claim against the municipality or its employee, whether or not liability exists on such claim; or

4. Insure the municipality or its employee against any loss, damage or liability as defined by Sections 702 through 708 of Title 36 of the Oklahoma Statutes, or other forms of insurance provided for in Title 36 of the Oklahoma Statutes.

The cost or premium of any such insurance is a proper expenditure of the municipality.

As used in this subsection, "employee" means any person who has acted in behalf of a municipality, whether that person is acting on a permanent or temporary basis with or without being compensated or on a full-time or part-time basis. Employee also includes all elected or appointed officers, members of governing bodies of a municipality, and persons appointed, and other persons designated by a municipality to act in its behalf.

B. Any insurance authorized by law to be purchased, obtained or provided by a municipality may be provided by:

1. Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes. Any self-insurance reserve fund shall be nonfiscal and shall not be considered in computing any levy when the municipality makes its annual estimate for needed appropriations;

2. Insurance in any insurer authorized to transact insurance in this state;

3. Insurance secured in accordance with any other method provided by law; or

4. Any combination of insurance authorized by this section.

C. Notwithstanding any other provision of law, two or more municipalities or public agencies who are affiliated in an insurance program which was originated prior to January 1, 2006, by interlocal agreement made pursuant to Section 1001 et seq. of Title 74 of the Oklahoma Statutes, may provide insurance for any purpose by any one or more of the methods specified in this section. The pooling of self-insured reserves, claims or losses among governments as authorized in this act shall not be construed to be transacting insurance nor otherwise subject to the provisions of the laws of this state regulating insurance or insurance companies. Two or more municipalities may also be insured under a master policy or contract of insurance. Premium costs may be set individually for each

municipality or apportioned among participating municipalities as provided by the master policy or contract.

Added by Laws 1978, c. 203, § 17, eff. July 1, 1978. Amended by Laws 2006, c. 83, § 2, eff. Nov. 1, 2006.

§51-168. Repealed by Laws 2005, c. 472, § 17, eff. July 1, 2005.

§51-169. Counties - Insurance.

A. The governing body of any county may:

1. Insure the county against all or any part of any liability it may incur for death, injury or disability of any person or for damage to property, either real or personal;

2. Insure any employee of the county against all or any part of his liability for injury or damage resulting from an act or omission in the scope of employment;

3. Insure against the expense of defending a claim against the county or its employee, whether or not liability exists on such claim; or

4. Insure the county or its employee against any loss, damage or liability as defined by Sections 702 through 708 of Title 36 of the Oklahoma Statutes, or other forms of insurance provided for in Title 36 of the Oklahoma Statutes.

The cost or premium of any such insurance is a proper expenditure of the county.

As used in this subsection, "employee" means any person who has acted in behalf of a county, whether that person is acting on a permanent or temporary basis with or without being compensated or on a full-time or part-time basis. Employee also includes all elected or appointed officers, members of governing bodies of a county, and persons appointed, and other persons designated by a county to act in its behalf.

B. Any insurance authorized by law to be purchased, obtained or provided by a county may be provided by:

1. Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes. Any self-insurance reserve fund shall be nonfiscal and shall not be considered in computing any levy when the county makes its annual estimate for needed appropriations;

2. Insurance in any insurer authorized to transact insurance in this state;

3. Insurance secured in accordance with any other method provided by law; or

4. Any combination of insurance authorized by this section.

C. Two or more counties or public agencies, by interlocal agreement made pursuant to Sections 1001 et seq. of Title 74 of the Oklahoma Statutes, may provide insurance for any purpose by any one or more of the methods specified in this section. The pooling of

self-insured reserves, claims or losses among governments as authorized in this act shall not be construed to be transacting insurance nor otherwise subject to the provisions of the laws of this state regulating insurance or insurance companies. Two or more counties may also be insured under a master policy or contract of insurance. Premium costs may be set individually for each county or apportioned among participating counties as provided by the master policy or contract.

Added by Laws 1978, c. 203, § 19, eff. July 1, 1978.

§51-170. Application of laws.

This act is exclusive and supersedes all home rule charter provisions and special laws on the same subject heretofore, and all acts or parts of acts in conflict herewith are repealed.

Added by Laws 1978, c. 203, § 20, eff. July 1, 1978.

§51-171. Existing remedies, causes of action or claims not affected.

Nothing in this act shall abrogate or amend in any way presently existing remedies, causes of actions or claims presently existing on behalf of individuals or citizens. This act does not apply to any claim against the state or political subdivision arising before the effective date of this act.

Added by Laws 1984, c. 226, § 15, eff. Oct. 1, 1985.

§51-172. Rural water supply and sewage disposal corporations - Insurance.

A. The governing body of any corporation organized not for profit for the primary purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents and districts formed pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act, Section 1324.1 et seq. of Title 82 of the Oklahoma Statutes, may:

1. Insure said entity against all or any part of any liability it may incur for death, injury or disability of any person or for damage to property, either real or personal;
2. Insure any employee of said entity against all or any part of his liability for injury or damage resulting from an act or omission in the scope of employment;
3. Insure against the expense of defending a claim against said entity or its employee, whether or not liability exists on such claim;
4. Insure said entity or its employee against any loss, damage or liability as provided by Sections 702 through 708 of Title 36 of the Oklahoma Statutes; or
5. Provide other forms of insurance provided for in Title 36 of the Oklahoma Statutes.

The cost or premium of any such insurance is a proper expenditure of said entity.

As used in this subsection, "employee" means any person who has acted in behalf of said entity, whether that person is acting on a permanent or temporary basis with or without being compensated or on a full-time or part-time basis. The term "employee" shall also include but not be limited to all elected or appointed officers, members of governing bodies of said entity, and other persons designated by said entity to act in its behalf.

B. Any insurance authorized by law to be purchased, obtained or provided by said entity may be provided by:

1. Self-insurance, which may be, but is not required to be, funded by appropriations to establish or maintain reserves for self-insurance purposes;

2. Insurance with any insurer authorized to transact insurance in this state;

3. Insurance secured in accordance with any other method provided by law; or

4. Any combination of insurance authorized by this section.

C. Two or more said entities or public agencies, by interlocal agreement made pursuant to Section 1001 et seq. of Title 74 of the Oklahoma Statutes, may provide insurance for any purpose by any one or more of the methods specified in this section. The pooling of self-insured reserves, claims or losses among said entities as authorized in this act shall not be construed to be transacting insurance nor otherwise subject to the provisions of the laws of this state regulating insurance or insurance companies. Two or more said entities may also be insured under a master policy or contract of insurance. Premium costs may be set individually for each entity or apportioned among participating entities as provided by the master policy or contract.

Added by Laws 1988, c. 49, § 2, emerg. eff. March 22, 1988.

§51-200. Settlements - Legislative approval - Involvement of Attorney General.

A. 1. No agency, board or commission, public officer, official or employee of the State of Oklahoma shall, without the approval of the Oklahoma State Legislature when it is in regular session, or by the Contingency Review Board, when the Legislature is not in regular session, enter into any default or agreed judgment, consent decree or other settlement of any litigation or claim against this state which would require a settlement expenditure in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00) or the creation, modification or implementation of a court-ordered or legislatively authorized plan or program which would necessitate an appropriation by the Legislature in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00). Approval of the Oklahoma Legislature pursuant to this section shall

be by concurrent resolution. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall notify their respective membership of the default or agreed judgment, consent decree or other settlement of litigation or claim. Any default or agreed judgment, consent decree or other settlement entered into in violation of this section shall be void.

2. Any agreed judgment, consent decree or other settlement of litigation or claim against this state which shall be paid from the Risk Management Fund and any statutory condemnation proceeding shall be exempt from the provisions of this section.

B. The Attorney General shall be notified by any agency, board or commission, public officer, official or employee of this state of all lawsuits against said agency, board or commission, public officer, official or employee that seeks relief which would impose obligations requiring an agency to request a supplemental appropriation or to request an increase in appropriations to maintain the current level of services beyond the fiscal year in which the lawsuit is filed if said lawsuit was settled in favor of the plaintiff. The Attorney General shall review any such cases and may represent the interests of the state, if he considers it to be in the best interest of the state to do so. Representation of multiple defendants in such actions may, at the discretion of the Attorney General, be divided with counsel for the agency, board or commission, public officer, official or employee of this state as necessary to avoid conflicts of interest. The Attorney General may levy and collect costs, expenses of litigation and a reasonable attorney's fee for such legal services from the agency, board or commission, public officer, official or employee of this state.

C. A copy of the service summons in all actions on claims against the state shall be made on the Attorney General of this state by the petitioner.

Added by Laws 1994, c. 374, § 2, eff. Sept. 1, 1994.

§51-251. Short title.

This act may be cited as the "Oklahoma Religious Freedom Act".

Added by Laws 2000, c. 272, § 1, eff. Nov. 1, 2000.

§51-252. Definitions.

In this act:

1. "Demonstrates" means the burdens of going forward with the evidence and of persuasion under the standard of clear and convincing evidence are met;

2. "Exercise of religion" means the exercise of religion under Article 1, Section 2, of the Constitution of the State of Oklahoma, the Oklahoma Religious Freedom Act, and the First Amendment to the Constitution of the United States;

3. "Fraudulent claim" means a claim that is dishonest in fact or that is made principally for a patently improper purpose, such as to harass the opposing party;

4. "Frivolous claim" means a claim which lacks merit under existing law and which cannot be supported by a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law;

5. "Governmental entity" means any branch, department, agency, or instrumentality of state government, or any official or other person acting under color of state law, or any political subdivision of this state;

6. "Prevails" means to obtain prevailing party status as defined by courts construing the federal Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988; and

7. "Substantially burden" means to inhibit or curtail religiously motivated practice.

Added by Laws 2000, c. 272, § 2, eff. Nov. 1, 2000.

§51-253. Burden upon free exercise of religion.

A. Except as provided in subsection B of this section, no governmental entity shall substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability.

B. No governmental entity shall substantially burden a person's free exercise of religion unless it demonstrates that application of the burden to the person is:

1. Essential to further a compelling governmental interest; and

2. The least restrictive means of furthering that compelling governmental interest.

Added by Laws 2000, c. 272, § 3, eff. Nov. 1, 2000.

§51-254. Correctional facility regulation - Compelling state interest.

A state or local correctional facility's regulation must be considered in furtherance of a compelling state interest if the facility demonstrates that the religious activity:

1. Sought to be engaged by a prisoner is presumptively dangerous to the health or safety of that prisoner; or

2. Poses a direct threat to the health, safety, or security of other prisoners, correctional staff, or the public.

Added by Laws 2000, c. 272, § 4, eff. Nov. 1, 2000.

§51-255. Construction.

A. Nothing in this act shall be construed to:

1. Authorize any government entity to substantially burden any religious belief;

2. Authorize same sex marriages, unions, or the equivalent thereof; or

3. Affect, interpret, or in any way address those portions of Article 1, Section 2, and Article 2, Section 5, of the Constitution of the State of Oklahoma, the Oklahoma Religious Freedom Act, or the First Amendment to the Constitution of the United States that prohibit laws respecting the establishment of religion.

B. Granting governmental funds, benefits, or exemptions to the extent permissible under paragraph 3 of subsection A of this section shall not constitute a violation of this section. As used in this subsection, "granting government funds, benefits, or exemptions" shall not include the denial of government funding, benefits, or exemptions. This provision does not in and of itself require vouchers.

Added by Laws 2000, c. 272, § 5, eff. Nov. 1, 2000.

§51-256. Remedies - Costs - Attorney Fees.

A. Any person whose exercise of religion has been substantially burdened by a governmental entity in violation of this section may assert that violation as a claim or defense in any judicial or administrative proceeding and may obtain declaratory relief or monetary damages.

B. Any person who prevails in any proceeding to enforce this act against a governmental entity may recover reasonable costs and attorney fees.

Added by Laws 2000, c. 272, § 6, eff. Nov. 1, 2000.

§51-257. Frivolous or fraudulent claims.

Any person found by a court of competent jurisdiction to have abused the protection of this act by filing a frivolous or fraudulent claim may be assessed the court costs of the governmental entity and may be enjoined from filing further claims under this act without leave of court.

Added by Laws 2000, c. 272, § 7, eff. Nov. 1, 2000.

§51-258. Governmental authority.

Notwithstanding any provision of this act, a governmental entity has no less authority to adopt or apply laws and regulations in a nondiscriminatory manner concerning zoning, land use planning, traffic management, urban nuisance, or historic preservation, than the authority of the governmental entity that existed under the law prior to the passage of this act. This section does not affect the authority of a governmental entity to adopt or apply laws and regulations as that authority has been interpreted by any court.

Added by Laws 2000, c. 272, § 8, eff. Nov. 1, 2000.

§51-301. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-302. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-303. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-304. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-305. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-305.1. Repealed by Laws 2010, c. 442, § 6, eff. July 1, 2010.

§51-306. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-307. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-308. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-309. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-310. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-311. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-312. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-313. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-314. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-315. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-316. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-317. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-318. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-319. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-320. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-321. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-322. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-323. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.



§51-324. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.

§51-325. Repealed by Laws 2014, c. 313, § 34, eff. Jan. 1, 2015.