An Act

ENROLLED HOUSE
BILL NO. 2325

By: Cleveland of the House

and

Dahm of the Senate

An Act relating to torts; amending 76 O.S. 2011, Section 33, which relates to civil immunity during a time of emergency; permitting shelter to be provided; providing for request from the federal government or political subdivision thereof; including tornado as a catastrophic act of nature; and providing an effective date.

SUBJECT: Civil immunity during time of emergency

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 76 O.S. 2011, Section 33, is amended to read as follows:

Section 33. A. For the purposes of this section, "person" means an individual, association, for-profit or nonprofit artificial entity created under state law, religious organization, or charitable organization.

B. Any person, or any agent of that person, who voluntarily and without the expectation or receipt of compensation provides services ~~and~~, goods or shelter at any place in this state subject to the order or control of, or pursuant to a request of, the state or federal government or any political subdivision thereof:

1. In preparation for, anticipation of, or during a time of emergency;

2. In a place of emergency, as declared by the Governor; and

3. For the benefit of any person or to prevent, minimize, or repair injury or damage to the property of a person resulting from:

a. biological, chemical, or nuclear agents,

b. terrorism,

c. pandemic or epidemic of infectious disease,

d. catastrophic acts of nature, including but not limited to fire, flood, earthquake, tornado, wind, storm, or wave action, or

e. any other emergency situation as declared by the Governor by executive order under Oklahoma law,

shall not be liable to any person receiving assistance as a result of any act or omission in rendering the service if the person was acting in good faith and the damage or injury was not caused by the willful or wanton negligence or misconduct of the person.

C. The immunity from liability provided in subsection B of this section shall:

1. Not apply to any person, or any employee or agent thereof, whose act or omission caused in whole or in part the actual or imminent disaster or emergency, or whose act or omission necessitated emergency management measures; and

2. Only apply to a person for such person's act or omission that directly relates to preparation for, anticipation of, or responding to an emergency. For purposes of this paragraph, "directly relates to" means providing goods ~~or~~, services or shelter pursuant to a request of an official or employee of state or federal government, or any political subdivision thereof, who is authorized to make such a request.

D. This section shall apply to all civil actions filed on or after November 1, 2009.

E. Nothing contained in this section shall amend, repeal, alter, or affect any other immunity or limitation of liability provided for under Oklahoma law.

SECTION 2. This act shall become effective November 1, 2014.

Passed the House of Representatives the 24th day of February, 2014.

Presiding Officer of the House of Representatives

Passed the Senate the 31st day of March, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 1st day of April, 20 14, at 3:05 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th day of April, 20 14, at 3:41 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th day of April, 20 14, at 4:33 o'clock P M.

By: Chris Benge