

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 1985

6 By: Lepak

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8 SUBCOMMITTEE RECOMMENDATION

9 An Act relating to insurance; creating the Educators'
10 Professional Liability Insurance Program; defining
11 eligible employees; requiring certain coverage for
12 employees; directing Office of Management and
13 Enterprise Services (OMES) to administer program and
14 promulgate rules; authorizing OMES to contract for
15 private insurance or create self-insured risk pool;
16 requiring competitive process for selecting insurer;
17 directing Legislature to appropriate certain funds;
18 requiring certain notification; construing section;
19 and providing for codification.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 85.58Q of Title 74, unless there
28 is created a duplication in numbering, reads as follows:

29 A. There is hereby created the Educators' Professional
30 Liability Insurance Program for all employees, including full-time
31 and part-time personnel of public schools, as defined in Section 1-
32 106 of Title 70 of the Oklahoma Statutes, and charter schools, as

1 defined in subsection D of Section 3-132 of Title 70 of the Oklahoma
2 Statutes.

3 B. The program shall provide liability coverage for employees
4 up to Two Million Dollars (\$2,000,000.00) in coverage per
5 occurrence.

6 C. The program shall be administered by the Office of
7 Management and Enterprise Services (OMES). OMES shall promulgate
8 rules to implement the provisions of this act.

9 D. OMES shall be authorized to contract liability insurance
10 from a licensed insurer, to create a self-insured risk pool or to
11 use a combination of both.

12 E. The insurance carrier providing any portion of coverage
13 provided under this act shall be selected by a competitive process.

14 F. The Legislature shall provide an annual appropriation to
15 cover the costs and any associated premiums for the program.

16 G. Each school district shall notify annually, in writing,
17 eligible employees about the coverage provided by the Educators'
18 Professional Liability Insurance Program.

19 H. OMES and the Department of Education shall notify, in
20 writing, all eligible employees about the Educators' Professional
21 Liability Insurance Program. The notice shall specifically inform
22 employees that coverage is provided automatically as part of their
23 employment. The notice shall be given upon hiring and annually
24 thereafter.

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I. Nothing in this section shall be construed to exempt a local school district from any current obligations or duties nor amend or alter the Governmental Tort Claims Act provided in Sections 151 through 172 of Title 51 of the Oklahoma Statutes.

57-1-7933 AMM 02/13/19