

## Memorandum 2010-35

**Liability of Charter Schools in Other Jurisdictions**

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The Legislature has authorized the Commission to study the “legal and policy implications of treating a charter school as a public entity for the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code” (“Government Claims Act”). 2009 Cal. Stat. res. ch. 98 (ACR 49 (Evans)).

This issue arises because the courts have held that a charter school organized as a nonprofit corporation, independent of the chartering district, is not a public entity for the purposes of the Government Claims Act. *Knapp v. Palisades Charter High School*, 146 Cal. App. 4th 708, 717, 53 Cal. Rptr. 3d 182 (2007). See also *Wells v. One2One Learning Foundation*, 39 Cal. 4th 1164, 141 P.3d 225, 244, 48 Cal. Rptr. 3d 108 (2006) (charter school not public entity for purposes of California False Claims Act or Unfair Competition Law).

This memorandum presents a survey of charter school legislation in the other U.S. jurisdictions that authorize charter schools. The survey focuses on the extent to which charters are treated as public entities in those jurisdictions.

Detailed results of the survey can be found in the attached Exhibit. Those results are discussed below.

The staff received considerable assistance in preparing this survey from Megan Glanville and Patrick Maloney, both second year students at the UC Davis School of Law. Their assistance is greatly appreciated.

## GENERAL OVERVIEW

Charter schools are an educational alternative to traditional public schools. They are publicly funded schools that receive greater autonomy than traditional public schools in exchange for accountability for student achievement. As a result of that autonomy, charter schools in many jurisdictions have characteristics of both public and private entities. R. Zimmer & R. Buddin,

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Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

*Making Sense of Charter Schools: Evidence from California*, Rand Education (2006) available at [http://www.rand.org/pubs/occasional\\_papers/2006/RAND\\_OP157.pdf](http://www.rand.org/pubs/occasional_papers/2006/RAND_OP157.pdf).

This hybrid character can create a question as to whether a charter school should be treated as a public entity.

#### CHARTER SCHOOLS IN OTHER JURISDICTIONS

Since 1991, 39 states (other than California) have enacted charter school legislation. (Mississippi initially authorized charter schools, but allowed its charter school laws to lapse in 2009.) Charter schools have also been authorized in the District of Columbia and Puerto Rico.

The staff surveyed all 38 of the states that currently authorize charter schools as well as the District of Columbia, for a total of 39 jurisdictions. The survey focused on the public entity status of charter schools and their ability to organize as entities with private characteristics.

#### **Public Entity Status Generally**

Most jurisdictions (24 of 39) appear to consider charter schools public for all purposes. The statutes often simply state that charter schools are public schools without expressing any conditions limiting their public status.

Other statutes are less clear (15 of 39). They may say that charter schools are part of the public school system (without expressly stating that they are public entities), or state that charter schools are public for specific purposes. This leaves open the question of whether charter schools are considered public for *all* purposes.

Exhibit pp. 1-2 indicate which jurisdictions appear to treat charter schools as public for all purposes and which jurisdictions do not clearly address the issue by statute.

#### **Public Entity Tort Liability Status**

In nearly half of the jurisdictions surveyed (18 of 39) the statutes expressly extend public entity tort liability treatment to charter schools. See Exhibit p. 3.

There is substantial overlap between the jurisdictions that declare charter schools to be public for all purposes and the jurisdictions that expressly extend public entity tort liability law to charter schools. However, five of the

jurisdictions in the latter category are not in the former (District of Columbia, North Carolina, Rhode Island, South Carolina, and Texas).

Taking all of the foregoing together, we find that 29 of the 39 jurisdictions surveyed either provide that a charter school is a public entity for all purposes or that a charter school is a public entity for the specific purpose of governmental tort liability law.

In addition, the Idaho Supreme Court held that a charter school is a public entity for purposes of tort liability treatment because “a charter school shall be considered a public school for all purposes” and a charter school and its employees will receive the same immunities as other public school employees. Further, the court held that the specific provisions of the charter school statutes prevailed over the general statutes governing nonprofit corporations. *Nampa Charter Sch., Inc. v. Delapaz*, 140 Idaho 23, 28 (Idaho 2004), 89 P.3d 863. This means that 30 of the 39 jurisdictions clearly treat charters as either wholly public or public for sovereign immunity purposes (or both).

The only other relevant court cases discovered were in states that already provide for public entity status by statute. See *Warner ex rel. Warner v. Lawrence*, 900 A.2d 980, 987-89 (Pa. Commw. Ct. 2006); *Doe v. Morey Charter Schs.*, 2008 U.S. Dist. LEXIS 2185 ( E.D. Mich. Jan. 11, 2008); *King v. U.S.*, 53 F. Supp.2d 1056, 1066 (D. Colo. 1999); *Doe v. East Baton Rouge School Bd.*, 798 So.2d 426 (2007).

### **Nonprofit Entity Status**

While it is useful to know which jurisdictions treat charter schools as public entities for governmental liability purposes, that information alone is only half the picture. To make a useful comparison to the situation in California, we also need to know which of those jurisdictions permit or require charter schools to form as private nonprofit corporations. If a jurisdiction provides for charter schools to be created as public entities, it is unremarkable for the jurisdiction to then treat them as public entities. But it would be significant to our inquiry if a jurisdiction allows charter schools to form as private corporations and then confers public entity status on them.

Nineteen of the 39 jurisdictions surveyed expressly allow or require charter schools to organize as some type of nonprofit corporation. Significantly, 16 of those jurisdictions provide, by statute or case law, that a charter school is a public entity, either for all purposes or for the purpose of sovereign immunity. The three exceptions are Connecticut, Georgia, and Missouri. See Exhibit pp. 4-6. In

all three of those jurisdictions, the public entity status of a charter school is unclear.

### **Health and Safety Regulation**

One of the primary concerns discussed in a prior memorandum is whether it would be good policy to extend governmental tort immunities to California charter schools, while also exempting them from health and safety statutes that are applicable to traditional public schools. See Memorandum 2010-26, pp. 27-28.

A charter school must address the health and safety of students and staff in its charter. Educ. Code § 47605(b)(5)(F). However, the Charter Schools Act seems to exempt charter schools from the health and safety standards that traditional public schools must follow, and there is no further guidance on what constitutes adequate standards. Educ. Code §§ 47605(b)(5)(F), 47610. This appears to leave the matter largely up to local discretion, which could result in widely differing health and safety measures. If charter schools are immunized from tort liability for discretionary policy decisions and exempted from the baseline health and safety rules that apply to other public schools, the result might be a lower standard of care with respect to health and safety concerns. See Memorandum 2010-26, pp. 27-28.

A survey of the 16 jurisdictions that allow charter schools to incorporate and grant them public entity status shows that 9 of the 16 require charter schools to follow the same health and safety requirements as traditional public schools or school districts. Such requirements would appear to limit concerns that a charter school would be subject to less tort liability than a traditional public school with regard to the health and safety of students.

The remaining 7 of the 16 jurisdictions (Colorado, Delaware, District of Columbia, New Hampshire, Oregon, Tennessee, and Wyoming) did not clearly require charter schools to follow the same requirements as traditional schools, although many of those jurisdictions required charter schools to follow “applicable” regulations. See Exhibit p. 7.

It is unclear how a court would interpret the health and safety requirements of charter schools in Colorado, Delaware, the District of Columbia, New Hampshire, Oregon, Tennessee, and Wyoming because no case law exists.

Thus, a clear majority of jurisdictions that allow charter schools to organize as nonprofit corporations and grant these schools public entity immunity do not

exempt schools from health and safety statutes designed to protect students and staff.

### **Independent Legal Entity Status**

One of the questions that must be answered if any charter schools in California are granted public entity status for purposes of the Government Claims Act is whether the charter school is an independent legal entity or merely an arm of the school district. This is important because it determines where to file a claim under the claims presentation requirements of the Government Claims Act. See Memorandum 2010-16, pp. 6-7.

Traditional public schools in California are generally considered arms of the district and cannot sue or be sued independently of the district. However, while some charter schools may be functionally dependent on the district, many charter schools operate independently from the school district and it would not make sense for them to be treated as an arm of the district. See Memorandum 2010-16.

A nonprofit corporation is generally a separate legal entity with the ability to sue and be sued. Thus, it seems that an incorporated charter school should be considered a separate legal entity from the district. However, some charter schools that are not incorporated operate independently from the school district. It is less clear whether these schools would be considered independent entities.

In 23 of the 39 jurisdictions surveyed, the legal entity status of charter schools is directly addressed and they are considered separate legal entities, regardless of their organizational form. See Exhibit p. 8.

Another two jurisdictions (Illinois and Missouri) do not expressly address legal entity status but require all charter schools to organize as nonprofit entities. Presumably, all charter schools in those states are treated as legal entities separate from the school district. In five states (Florida, Georgia, Louisiana, North Carolina, and Utah) charter schools can but are not required to organize as nonprofit entities and their legal status is not directly addressed. For those states, it is unknown whether all charter schools would be considered independent entities. See Exhibit p. 4.

Thus, 25 of the 39 jurisdictions treat all charter schools as separate legal entities.

## CONCLUSION

There is a strong national trend toward treating charter schools as public entities for all purposes or for governmental tort immunity purposes. Thirty-one of the 39 jurisdictions surveyed follow that pattern. The staff did not find any jurisdiction expressly adopting the contrary view (that charter schools are not public entities). This is true even in most of the jurisdictions that allow or require charter schools to organize as some type of nonprofit corporation.

However, it is also true that in most of the jurisdictions that treat charter schools as public entities, charter schools are subject to the same health and safety regulations as traditional public schools. This makes it difficult to draw a true apples-to-apples comparison between those jurisdictions and California (because California does exempt charter schools from important health and safety laws).

To the extent that the exemption of California charter schools from health and safety laws is seen as an argument against treating charter schools as public entities for purposes of the Government Claims Act, the significance of the trend in other jurisdictions is diminished. We cannot know how those jurisdictions might have decided the public entity status question if their charter schools were exempt from health and safety laws governing traditional public schools.

However, if the exemption of California charter schools from health and safety laws is seen as a minor issue, then the national trend is significant. Most of the jurisdictions that allow charter schools treat them as public entities for tort liability purposes, even though many of those states permit private incorporation.

Respectfully submitted,

Cindy Dole  
Visiting Fellow

## PUBLIC ENTITY STATUS GENERALLY

### Apparently Public for All Purposes

The following 24 jurisdictions appear to treat charter schools as public entities for all purposes:

<b>Jurisdiction</b>	<b>Relevant Statute</b>
Colorado	Colo. Rev. Stat. § 22-30.5-104(4)
Delaware	Del. Code Ann. tit. 14, § 504(c)
Florida	Fla. Stat. § 1002.33(1)
Hawaii	Haw. Rev. Stat. § 302B-9(d)
Illinois	105 Ill. Comp. Stat. 5/27A-5(a)
Indiana	Ind. Code § 20-24-4-1(4)
Iowa	Iowa Code § 256F.2
Louisiana	La. Rev. Stat. Ann. § 17:3973(2)(a)
Maryland	Md. Code Ann., Educ. § 9-102
Massachusetts	Mass. Gen. Laws ch. 71, § 89(c)
Michigan	Mich. Comp. Laws § 380.501(1)
Minnesota	Minn. Stat. § 124D.10 subdiv. 7
New Hampshire	N.H. Rev. Stat. Ann. §§ 194-B:1, 194-B:3
New Jersey	N.J. Stat. Ann. § 18A:36A-11
New Mexico	N.M. Stat. Ann. § 22-8B-2
North Carolina	N.C. Gen. Stat. § 115C-238.29E(a)
Ohio	Ohio Rev. Code Ann. § 3314.01(B)
Oklahoma	Okla. Stat. tit. 70, § 3-132
Oregon	Or. Rev. Stat. § 338.035
Pennsylvania	24 Pa. Cons. Stat. § 17-1703-A
Tennessee	Tenn. Code Ann. § 49-13-104
Utah	Utah Code Ann. § 53A-1a-503.5(1)(a)
Virginia	Va. Code Ann. § 22.1-212.5
Wyoming	Wyo. Stat. Ann. § 21-3-304(a)

### Not Clearly Public for All Purposes

The following 15 jurisdictions do not appear to clearly treat charter schools as public for all purposes:

<b>Jurisdiction</b>	<b>Relevant Statute</b>
Alaska	Alaska Stat. § 14.03.255(a)
Arizona	Ariz. Rev. Stat. § 15-181
Arkansas	Ark. Code Ann. § 6-23-103
Connecticut	Conn. Gen. Stat. § 10-66aa
District of Columbia	D.C. Code § 38-1800.02(29)
Georgia	Ga. Code Ann. §§ 20-2-2062(3), 20-2-2065(b)(1)
Idaho	Idaho Code Ann. § 33-5202A(6)
Kansas	Kan. Stat. Ann. § 72-1903
Missouri	Mo. Rev. Stat. § 160.405
Nevada	Nev. Rev. Stat. Ann. §§ 386.549, 386.595
New York	N.Y. Educ. Code § 2853
Rhode Island	R.I. Gen. Laws § 16-77-2
South Carolina	S.C. Code Ann. § 59-40-40(2)(a)
Texas	Tex. Educ. Code Ann. § 12.105
Wisconsin	Wis. Stat. § 118.40(7)(am)

## PUBLIC ENTITY TORT LIABILITY STATUS

The following 18 jurisdictions expressly consider charter schools public entities for purposes of tort liability:

<b>Jurisdiction</b>	<b>Charter School Tort Liability Statute</b>	<b>Governmental Liability Statute(s)</b>
Delaware	Del. Code Ann. tit. 14, § 504(d)	Del. Code Ann. tit. 10, §§ 4001 <i>et seq.</i>
District of Columbia	D.C. Code § 38-1802.04(17)	D.C. Code Ann. §§ 2-401 <i>et seq.</i>
Florida	Fla. Stat. § 1002.33(1)(h)	Fla. Stat. Ann. §768.28
Illinois	105 Ill. Comp. Stat. 5/27A-5(g)(3)	Ill. Ann. Stat. ch. 705, §§ 505/1 <i>et seq.</i>
Massachusetts	Mass. Gen. Laws ch. 71, § 89(y)	Mass. Gen. Laws Ann. ch. 258, §§ 1 <i>et seq.</i>
Michigan	Mich. Comp. Laws §§ 380.503(7)	Mich. Comp. Laws Ann. §§ 691.1401 <i>et seq.</i>
Minnesota	Minn. Stat. § 124.D.10 subdiv. 8(k)	Minn. Stat. Ann. § 3.736
North Carolina	N.C. Gen. Stat. § 115C-238.29F(c)(1)	N.C. Gen. Stat. §§ 143-291 <i>et seq.</i> ;§ N.C. Gen. Stat. § 115C-42
Ohio	Ohio Rev. Code Ann. § 3313.03 (A)(11)(d)	Ohio. Rev. Code Ann. §§ 2743.01 <i>et seq.</i>
Oklahoma	Okla. Stat. tit. 70, § 3-136: 13	Okla. Stat. tit. 51, §§ 151 <i>et seq.</i>
Oregon	Or. Rev. Stat. § 338.115(i)	Or. Rev. Stat. §§ 30.260 <i>et seq.</i>
Pennsylvania	24 Pa. Cons. Stat. § 17-1714-A	Pa. Cons. Stat. Ann. tit. 42, §§ 8521 <i>et seq.</i>
Rhode Island	R.I. Gen. Laws § 16-77-7	R.I. Gen. Laws §§ 9-31-1 <i>et seq.</i>
South Carolina	S.C. Code Ann. § 59-40-50(B)(4)	S.C. Code Ann. § 15-78-10
Tennessee	Tenn. Code Ann. § 49-13-125	Tenn. Code Ann. §§ 9-8-301 <i>et seq.</i>
Texas	Tex. Educ. Code Ann. § 12.1056/ 12.057	Tex. Civil Practice and Remedies Code Ann. §§ 101.001 <i>et seq.</i>
Utah	Utah Code Ann. § 53A-1a-514	Utah Code. Ann. §§ 63G-7-101 <i>et seq.</i>
Virginia	Va. Code Ann. § 22.1-212.16	Va. Code §§ 8.01-195.1 <i>et seq.</i>

## NONPROFIT ENTITY STATUS

The following 20 jurisdictions allow or require charter schools to organize as a nonprofit corporation:

<b>Jursidiction</b>	<b>Relevant Statute</b>
Colorado	Colo. Rev. Stat. § 22-30.5-104(4)
Connecticut	Conn. Gen. Stat. § 10-66aa
Delaware	Del. Code Ann. tit. 14, § 504(a)
District of Columbia	D.C. Code § 38-1802.04(16)
Florida	Fla. Stat. § 1002.33(12)(1)
Georgia	Ga. Code Ann. § 20-2-2065(b)(4)
Idaho	Idaho Code Ann. § 33-5204
Illinois	105 Ill. Comp. Stat. 5/27A-5(a)
Louisiana	La. Rev. Stat. Ann. § 17:3973(2)(b)
Minnesota	Minn. Stat. § 124.D.10 subdiv. 4(a)
Missouri	Mo. Rev. Stat. § 160.400(5)
New Hampshire	N.H. Rev. Stat. Ann. § 194-B:1
North Carolina	N.C. Gen. Stat. § 115C-238.29E(b)
Ohio	Ohio Rev. Code Ann. § 3314.03(A)(1)
Oregon	Or. Rev. Stat. § 338.035
Pennsylvania	24 Pa. Cons. Stat. § 17-1703-A
South Carolina	S.C. Code Ann. § 59-40-60(D)(1)
Utah	Utah Code Ann. § 53A-1a-504(1)(b)
Wyoming	Wyo. Stat. Ann. § 21-3-304(d)

## NONPROFIT ENTITY AND TORT LIABILITY STATUS

### Nonprofit Entity and Express Public Entity Tort Liability Treatment by Statute

The following 11 jurisdictions expressly allow charter schools to organize as nonprofit corporations and expressly treat charter schools as public entities for purposes of tort liability:

Jurisdiction	Nonprofit Corporation Statute	Tort Liability Statute	Case Law
Delaware	Del. Code Ann. tit. 14, § 504(a)	Del. Code Ann. tit. 14, § 504(d)	N/A
District of Columbia	D.C. Code § 38-1802.04(16)	D.C. Code § 38-1802.04(17)	N/A
Florida	Fla. Stat. § 1002.33(12)(1)	Fla. Stat. § 1002.33(1)(h)	N/A
Illinois	I 105 Ill. Comp. Stat. 5/27A-5(a)	105 Ill. Comp. Stat. 5/27A-5(g)(3)	N/A
Minnesota	Minn. Stat. § 124.D.10 subdiv. 4(a)	Minn. Stat. § 124.D.10 subdiv. 8(k)	N/A
North Carolina	N.C. Gen. Stat. § 115C-238.29E(b)	N.C. Gen. Stat. § 115C-238.29F(c)(1)	N/A
Ohio	Ohio Rev. Code Ann. § 3314.03 (A)(1)	Ohio Rev. Code Ann. § 3313.03 (A)(11)(d)	N/A
Oregon	Or. Rev. Stat. § 338.035;	Or. Rev. Stat. § 338.115(i)	N/A
Pennsylvania	p 24 Pa. Cons. Stat. § 17-1703-A	24 Pa. Cons. Stat. § 17-1714-A	<i>Warner ex rel. Warner v. Lawrence</i> , 900 A.2d 980, 987-89 ( Pa. Commw. Ct. 2006)
South Carolina	S.C. Code Ann. § 59-40-60(D)(1)	S.C. Code Ann. § 59-40-50(B)(4)	N/A
Utah	Utah Code Ann. § 53A-1a-504(1)(b)	Utah Code Ann. § 53A-1a-514	N/A

### Nonprofit Entity and Public Entity Tort Liability Treatment by Case Law

Three jurisdictions expressly allow charter schools to organize as nonprofit corporations and do not expressly address tort liability, but have case law that treats charter schools as public entities for purposes of tort liability.

<b>Jurisdiction</b>	<b>Nonprofit Corporation Statute</b>	<b>Case Law</b>
Colorado	Colo. Rev. Stat. 22-30.5-104: (4);	<i>King v. U.S.</i> , 53 F. Supp.2d 1056 (D. Colo. 1999); <i>King v. U.S.</i> , 301 F.3d 1270 (10th Cir. Colo. 2002)
Idaho	Idaho Code Ann. § 33-5204	<i>Nampa Charter Sch., Inc. v. Delapaz</i> , 140 Idaho 23, 28 (Idaho 2004), 89 P.3d 863; 2004 Ida. LEXIS 71 (SCT of ID)
Louisiana	La. Rev. Stat. Ann. § 17:3973(2)(b)	<i>Doe v. East Baton Rouge School Bd.</i> 2006-1966 (La. App. 1 Cir. 12/21/07); 798 So.2d 426

### **Nonprofit Entity and Public for All Purposes Treatment**

Two jurisdictions expressly allow charter schools to organize as nonprofit corporations and consider charter schools to be public for all purposes but do not expressly address tort liability.

<b>Jurisdiction</b>	<b>Nonprofit Corporation Statute</b>	<b>Public Entity Statute</b>
New Hampshire	N.H. Rev. Stat. Ann. § 194-B:1	N.H. Rev. Stat. Ann. §§ 194-B:1, 194-B:3
Wyoming	Wyo. Stat. Ann. § 21-3-304(d)	Wyo. Stat. Ann. § 21-3-304(a)

## HEALTH AND SAFETY REGULATION

The 16 jurisdictions that expressly allow charter schools to organize as nonprofit corporations and treat charter schools as public entities for all purposes or purposes of tort liability were examined to determine the requirements for addressing the health and safety of students and staff.

### Express Requirement to Follow Public School Health and Safety Regulations

The following nine jurisdictions expressly require charter schools to follow many of the same health and safety requirements as traditional public schools.

Jurisdiction	Statute
Florida	Fla. Stat. § 1002.33(16)(a)(5)
Illinois	105 Ill. Comp. Stat. 5/27A-5(d)
Minnesota	Minn. Stat. § 124D.10 subdiv. 8(a)
North Carolina	N.C. Gen. Stat. § 115C-238.29F(a)
Ohio	Ohio Rev. Code Ann. § 3314.03; Ohio Rev. Code Ann. § 3314.072
Oregon	Or. Rev. Stat. § 338.115(j)
Pennsylvania	Pa. Cons. Stat. § 17-1722-A
South Carolina	S.C. Code Ann. § 59-40-50(B)(1)
Louisiana	La. Rev. Stat. Ann. § 17:3996(A)

### Unclear Requirement to Follow Public School Health and Safety Regulations

The following seven jurisdictions do not clearly address the health and safety standards that a charter school must follow. Often there is a requirement that charter schools follow applicable health and safety regulations but the statutes do not explicitly require that they follow the same requirements as traditional public schools.

Jurisdiction	Statute
Colorado	Colo. Rev. Stat. 22-30.5-104(b)
District of Columbia	D.C. Code § 38-1802.04(c)(4)(A)
Delaware	Del. Code Ann. tit. 14, § 512
New Hampshire	N.H. Rev. Stat. Ann. § 194-B:8(II)
Oregon	Or. Rev. Stat. § 338.115(j)
Tennessee	Tenn. Code Ann. § 49-13-105(b)(2)
Wyoming	Wyo. Stat. Ann. § 21-3-307(a)(vi)

## INDEPENDENT LEGAL ENTITY STATUS

The following 23 jurisdictions expressly allow charter schools to sue and be sued.

<b>State</b>	<b>Statutes</b>
Arizona	Ariz. Rev. Stat. § 15-183(H)
Colorado	Colo. Rev. Stat. 22-30.5-104(7)(b)
Connecticut	Conn. Gen. Stat. § 10-66ff
Delaware	Del. Code Ann. Tit. 14, § 504(d)
District of Columbia	D.C. Code § 38-1802.04(b)(8)
Idaho	Idaho Code Ann. § 33-5204(2)
Indiana	Ind. Code § 20-24-8-1
Massachusetts	Mass. Gen. Laws ch. § 71 sec. 89(j)(2) (2)
Michigan	Mich. Comp. Laws § 380.504(a)
Minnesota	Minn. Stat. § 124D.10 subdiv. 25(a)
New Hampshire	N.H. Rev. Stat. Ann. § 194-B:5
New Jersey	N.J. Rev. Stat. § 18A:36A-6(b)
New Mexico	N.M. Stat. Ann. § 22-8B-4(P)
New York	N.Y. Educ. Law 2853(1)
North Carolina	N.C. Gen. Stat. § 115C-238.29F(c)(1)
Ohio	Ohio Rev. Code Ann. § 3314.01
Oklahoma	Okla. Stat. tit. 70, § 3-136
Oregon	Or. Rev. Stat. § 338.115
Pennsylvania	Pa. Cons. Stat. § 17-1714-A
Rhode Island	No express provision
South Carolina	S.C. Code Ann. § 59-40-190
Tennessee	Tenn. Code Ann. § 49-13-124(a)
Wyoming	Wyo. Stat. Ann. § 21-3-304(j)