

ENROLLED SENATE  
BILL NO. 438

BY: MILES-LaGRANGE of the  
SENATE

and

PILGRIM of the HOUSE

AN ACT RELATING TO COURTS; AMENDING 20 O.S.  
1981, SECTIONS 1602, 1603 AND 1609, WHICH RELATE  
TO CERTIFIED QUESTIONS OF LAW; ADDING ADDITIONAL  
COURTS WHICH MAY CERTIFY QUESTIONS OF LAW TO  
CERTAIN COURTS OF THIS STATE; MODIFYING  
REFERENCE; CLARIFYING LANGUAGE; AND PROVIDING AN  
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 20 O.S. 1981, Section 1602, is amended to read as follows:

Section 1602. The Supreme Court and the Court of Criminal Appeals respectively may answer questions of law certified to it by the Supreme Court of the United States, a Court of Appeals of the United States, a United States District Court, the United States Court of International Trade, the Judicial Panel on Multidistrict Litigation, the United States Claims Court, the United States Court of Military Appeals, the United States Tax Court, or the highest appellate court or the intermediate appellate court of any other state, when requested by the certifying court if there are involved in any proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the Supreme Court or Court of Criminal Appeals of this state.

SECTION 2. AMENDATORY 20 O.S. 1981, Section 1603, is amended to read as follows:

Section 1603. This act may be invoked by an order of any of the courts referred to in Section ~~2~~ 1602 of this title upon the court's own motion or upon the motion of any party to the cause.

SECTION 3. AMENDATORY 20 O.S. 1981, Section 1609, is amended to read as follows:

Section 1609. The Supreme Court or the Court of Criminal Appeals of this state, on ~~their~~ the court's own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the certifying court that there are involved, in any proceeding before the court, questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

SECTION 4. This act shall become effective September 1, 1991.

Passed the Senate the 26th day of February, 1991.

President of the Senate

Passed the House of Representatives the 25th day of March, 1991.

Speaker of the House of  
Representatives