

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 263

By: Brown

COMMITTEE SUBSTITUTE

(Civil procedure - offers and counter offers in actions
for recovery of money - repealer - codification -

effective date)

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1101.1 of Title 12, unless there
is created a duplication in numbering, reads as follows:

- A. After an action for the recovery of money is
brought, a defendant may file with the court an
offer of judgment for a sum certain.
1. If an offer of judgment is filed, the plaintiff
shall, before commencement of trial, file:
 - a. a written acceptance or refusal of the offer, or
 - b. a counter offer of judgment, as described in
subsection B of this section.

2. If the plaintiff refuses the offer of judgment, the
defendant filing the offer of judgment shall be entitled to recover
reasonable costs and reasonable attorneys fees incurred by the
defendant from the date of filing of the offer of judgment until the
date of entry of judgment. Costs and fees may be offset against any
judgment entered against the offering defendant.

B. If a defendant files an offer of judgment, the plaintiff may file with the court a counter offer of judgment directed toward only the defendant or defendants who have filed an offer of judgment. If the plaintiff makes a counter offer of judgment and the defendant refuses to accept it and the judgment awarded the plaintiff is in excess of the counter offer of judgment, the plaintiff shall be entitled to recover reasonable costs and reasonable attorneys fees incurred by the plaintiff from the date of filing of the counter offer of judgment until the date of entry of judgment.

SECTION 2. AMENDATORY 76 O.S. 1991, Section 24, is amended to read as follows:

Section 24. In Sections ~~5~~ 25 through ~~10~~ 29 of this ~~act~~ title, the following definitions shall apply:

1. "Professional review body" means a public or private body organized in whole or in part for the purpose of maintaining standards of conduct and competence for accountants, architects, ~~chiropractors, chiropractors, dentists,~~ professional engineers, nurses, pharmacists, physicians, psychologists, or veterinarians;

2. "Professional review action" means an action or recommendation taken or made by a professional review body which adversely affects a person's ability to perform ~~his~~ a profession but shall not include actions taken or recommendations made by a private professional review body against a person who does not have a reasonable connection to the body's sponsoring organization; and

3. "Sponsoring organization" means a professional association or an institution through which persons practice ~~their professions~~ a profession in whole or in part.

SECTION 3. REPEALER 12 O.S. 1991, Section 1101, is hereby repealed.

SECTION 4. This act shall become effective November 1, 1995.

45-1-0960 KSM

