

ENGROSSED HOUSE
BILL NO. 2361

By: Weaver of the House
and
Brown of the Senate

An Act relating to civil procedure; amending 12 O.S. 1991, Section 83, as amended by Section 1, Chapter 98, O.S.L. 1993 (12 O.S. Supp. 1995, Section 83), which relates to conserving monies obtained for or in behalf of persons under eighteen years of age in court proceedings; permitting investment of certain monies by trust department of a banking institution; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 83, as amended by Section 1, Chapter 98, O.S.L. 1993 (12 O.S. Supp. 1995, Section 83), is amended to read as follows:

Section 83. A. Moneys recovered in any court proceeding by a next friend or guardian ad litem for or on behalf of a person who is less than eighteen (18) years of age in excess of One Thousand Dollars (\$1,000.00) over sums sufficient for paying costs and expenses including medical bills and attorney's fees shall be deposited, by order of the court, in one or more federally insured banking, credit union or savings and loan institutions, or invested by a trust department of a banking institution, approved by the court; provided, that the court may approve a structured settlement,

by the terms of which the proceeds of a settlement may be invested by the plaintiff or the defendant in an annuity to be paid to or for the benefit of the minor by an insurance company licensed in this state.

B. Until the person becomes eighteen (18) years of age, withdrawals of moneys from such account or accounts shall be solely pursuant to order of the court made in the case in which recovery was had.

C. When an application for the order is made by a person who is not represented by an attorney-at-law, the judge of the court shall prepare the order.

D. This section shall not apply if a legal guardian has been appointed for the minor prior to any award of moneys pursuant to subsection A of this section. If a legal guardian is appointed after any award of moneys pursuant to subsection A of this section the legal guardian may petition the district court in the county where the federally insured funds are held for an order directing the bank, credit union and/or savings and loan to transfer the funds to the legal guardian. The district court may make the granting of the request to transfer funds subject to reasonable safeguards.

SECTION 2. This act shall become effective November 1, 1996.

Passed the House of Representatives the 11th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate