

ENGROSSED SENATE  
BILL NO. 263

By: Brown and Campbell of the  
Senate

and

Adair of the House

[ 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5.8 of Title 76, unless there is created a duplication in numbering, reads as follows:

Any licensed professional engineer who, in good faith and without charge or compensation, utilizes professional skills in providing assistance in connection with a declared natural or manmade disaster shall not be liable for any civil damages for acts or omissions resulting from such professional services in the absence of gross negligence or willful misconduct.

SECTION 4. REPEALER 12 O.S. 1991, Section 1101, is hereby repealed.

SECTION 5. This act shall become effective November 1, 1995.

Passed the Senate the 15th day of March, 1995.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1995.

Speaker of the House of Representatives