

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1196

By: Boyd (Betty)

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 1991, Section 1106, which relates to offers for confession of judgment; modifying requirement imposed upon plaintiff after offer refused; requiring payment of attorney fees; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 1106, is amended to read as follows:

Section 1106. After an action for the recovery of money is brought, the defendant may offer in court to confess judgment for part of the amount claimed, or part of the causes involved in the action; whereupon, if the plaintiff, being present, refuse to accept such confession of judgment in full of his demands against the defendant in the action, or, having had such notice that the offer would be made, of its amount, and of the time of making it, as the court shall deem reasonable, fail to attend, and on the trial do not recover more than was so offered to be confessed, such plaintiff shall pay all the costs of the defendant incurred after the offer. The plaintiff shall also be required to pay the attorney fees of the

defendant incurred in defense of the plaintiff's claim after the offer. The offer shall not be deemed to be an admission of the cause of action, or the amount to which the plaintiff is entitled, nor be given in evidence upon the trial.

SECTION 2. This act shall become effective November 1, 1995.

45-1-5290

MAH