

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1307

By: Pope (Tim)

AS INTRODUCED

An Act relating to judgments for damages; providing for certain judgments to be deemed owed to the State of Oklahoma in addition to certain parties to action; providing for effect of penalty upon obligations of defendants and rights of plaintiffs; authorizing State of Oklahoma to pursue remedies for collection and enforcement of judgment; providing for deposit of collected monies in certain fund; describing requirements for management and handling of funds; providing procedures for disbursement of funds; providing judgment deemed awarded to State of Oklahoma not subject to certain dormancy provisions; providing State of Oklahoma not required as party to proceeding; providing procedures for entry of judgment; providing for codification; and providing an 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 682.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. If any judgment is entered that awards damages to a plaintiff or plaintiffs based upon death, personal injury or damage to or destruction of property caused by the tortious act or omission of one or more defendants committed while the defendant or defendants operated a motor vehicle without maintaining the insurance coverage required by the compulsory liability insurance laws of this state, the full amount of the judgment, including costs, attorney fees and other awards, shall be deemed to be a penalty owed by the judgment defendant or defendants, as provided by the judgment, to and for the benefit of the State of Oklahoma within the meaning of 11 U.S.C. Section 523(a)(7). As used in this section, "tortious act or omission" means conduct that was intentional, negligent or otherwise defined by substantive law as tortious.

B. The provisions of this section shall not affect the obligation imposed by law upon the judgment defendant or defendants to pay or otherwise discharge the judgment obtained by a plaintiff and no provision of this section shall be construed to affect the right of a plaintiff to whom a money judgment has been awarded from pursuing any remedy authorized by law in order to collect or enforce the judgment so awarded.

C. The State of Oklahoma shall be authorized to pursue any remedy or procedure authorized by law to a plaintiff to whom a judgment as described by this section has been awarded in order to collect or enforce the judgment. If the State of Oklahoma collects any or all of the amount of the judgment from the defendant or defendants, the monies shall be deposited into a special account within the State Treasury. The monies shall be subject to all applicable requirements of law regarding the deposit, investment, disbursement and other handling of state funds. Within thirty (30) days from the date any monies are deposited into the fund provided by this subsection, the State Treasurer shall make payment of the

full amount deposited to the plaintiff or plaintiffs who obtained the judgment or their authorized representatives, heirs, successors or assigns.

D. The judgment deemed to have been awarded to the State of Oklahoma pursuant to this section shall not be subject to the provisions of Section 735 of this title or any other provision of law which would operate as a bar to collection of the judgment by the State of Oklahoma.

E. For purposes of this section, it shall not be necessary for the State of Oklahoma to be named as a party plaintiff in any action seeking the recovery of damages based upon death, personal injury or damage to or destruction of property nor shall the State of Oklahoma be required to intervene in any such action. Upon entry of judgment, the attorney of record for the plaintiff or plaintiffs shall provide a certification to the court clerk, upon a form prescribed by the Administrative Director of the Courts, that the judgment is within the scope of subsection A of this section. The court clerk shall make a notation in the judgment docket in any manner which may be convenient which demonstrates that the judgment amount awarded to the plaintiff or plaintiffs is a judgment debt owed to the State of Oklahoma.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5130

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