

1 STATE OF OKLAHOMA

2 2nd Session of the 47th Legislature (2000)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2101

By: Thomas

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7 COMMITTEE SUBSTITUTE

8 An Act relating to declaratory judgments; amending
9 12 O.S. 1991, Section 1651, which relates to
10 determination of rights, status, or other legal
11 relations; deleting prohibition against district
12 court determination of certain obligations under
13 certain insurance policies; authorizing the court to
14 assess certain fees and costs if the court
15 determines the declaratory judgment action to be
16 frivolous; defining term; and providing an effective
17 date.

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

19 SECTION 1. AMENDATORY 12 O.S. 1991, Section 1651, is
20 amended to read as follows:

21 Section 1651. District courts may, in cases of actual
22 controversy, determine rights, status, or other legal relations,
23 including but not limited to a determination of the construction or
24 validity of any foreign judgment or decree, deed, contract, trust,
25 or other instrument or agreement or of any statute, municipal
26 ordinance, or other governmental regulation, whether or not other
27 relief is or could be claimed, except that no such declaration shall
28 be made concerning liability or nonliability for damages on account
29 of alleged tortious injuries to persons or to property either before
30 or after judgment or for compensation alleged to be due under
31 workers' compensation laws for injuries to persons ~~or concerning~~
32 ~~obligations alleged to arise under policies of insurance covering~~
~~liability or indemnity against liability for such injuries.~~ The
determination may be made either before or after there has been a
breach of any legal duty or obligation, and it may be either

1 affirmative or negative in form and effect; provided however, that a
2 court may refuse to make such determination where the judgment, if
3 rendered, would not terminate the controversy, or some part thereof,
4 giving rise to the proceeding. Provided further, if the court
5 determines that an action for declaratory judgment on an action
6 concerning obligations alleged to arise under policies of insurance
7 covering liability or indemnity against liability for personal
8 injuries is frivolous, the court may assess attorney fees, actual
9 costs incurred by any party having an adverse interest to the
10 action, and court costs against the party filing the action for
11 declaratory judgment. As used in this section, "frivolous" means
12 having no reasonable basis in law or fact, lacking any good faith
13 legal argument for the extension, modification, or reversal of
14 existing law, or being maintained solely or primarily for delay or
15 to harass any party having an adverse interest.

16 SECTION 2. This act shall become effective November 1, 2000.

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18 47-2-8687 SD 6/11/15
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