

EHB 1051

THE STATE SENATE
Tuesday, April 3, 2001

ENGROSSED

House Bill No. 1051

As Amended

ENGROSSED HOUSE BILL NO. 1051 - By: FIELDS, SULLIVAN (Leonard) and HILLIARD of the House and STIPE of the Senate.

[civil procedure - statute of limitations - effective date]

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 95, as last amended by Section 1, Chapter 233, O.S.L. 1996 (12 O.S. Supp. 2000, Section 95), is amended to read as follows:

Section 95. Civil actions other than for the recovery of real property can only be brought within the following periods, after the cause of action shall have accrued, and not afterwards:

1. Within five (5) years: An action upon any contract, agreement, or promise in writing;

2. Within three (3) years: An action upon a contract express or implied not in writing; an action upon a liability created by statute other than a forfeiture or penalty; and an action on a foreign judgment;

3. Within two (2) years: An action for trespass upon real property; an action for taking, detaining, or injuring personal

1 property, including actions for the specific recovery of personal
2 property; an action for injury to the rights of another, not arising
3 on contract, and not hereinafter enumerated; an action for relief on
4 the ground of fraud - the cause of action in such case shall not be
5 deemed to have accrued until the discovery of the fraud;

6 4. Within one (1) year: An action for libel, slander, assault,
7 battery, malicious prosecution, or false imprisonment; an action
8 upon a statute for penalty or forfeiture, except where the statute
9 imposing it prescribes a different limitation;

10 5. An action upon the official bond or undertaking of an
11 executor, administrator, guardian, sheriff, or any other officer, or
12 upon the bond or undertaking given in attachment, injunction,
13 arrest, or in any case whatever required by the statute, can only be
14 brought within five (5) years after the cause of action shall have
15 accrued;

16 6. An action based on intentional conduct brought by any person
17 for recovery of damages for injury suffered as a result of childhood
18 sexual abuse incidents or exploitation as defined by Section 845 of
19 Title 21 of the Oklahoma Statutes or incest can only be brought
20 within the latter of the following periods:

21 a. within two (2) years of the act alleged to have caused
22 the injury or condition, or

1 b. within two (2) years of the time the victim discovered
2 or reasonably should have discovered that the injury
3 or condition was caused by the act or that the act
4 caused the injury for which the claim is brought.
5 Provided, however, that the time limit for commencement of an action
6 pursuant to this paragraph is tolled for a child until the child
7 reaches the age of eighteen (18) years. No action may be brought
8 against the alleged perpetrator or the estate of the alleged
9 perpetrator after the death of such alleged perpetrator. An action
10 pursuant to this paragraph must be based upon objective verifiable
11 evidence in order for the victim to recover damages for injuries
12 suffered by reason of such sexual abuse, exploitation, or incest.
13 The evidence should include both proof that the victim had
14 psychologically repressed the memory of the facts upon which the
15 claim was predicated and that there was corroborating evidence that
16 the sexual abuse, exploitation, or incest actually occurred. The
17 victim need not establish which act in a series of continuing sexual
18 abuse incidents, exploitation incidents, or incest caused the injury
19 complained of, but may compute the date of discovery from the date
20 of discovery of the last act by the same perpetrator which is part
21 of a common scheme or plan of sexual abuse, exploitation, or incest.
22 Provided further, any action based on intentional conduct specified

1 in ~~paragraph 6 of this section~~ paragraph must be commenced within
2 twenty (20) years of the victim reaching the age of eighteen (18);

3 7. An action to establish paternity and to enforce support
4 obligations can be brought any time before the child reaches the age
5 of eighteen (18);

6 8. An action to establish paternity can be brought by a child
7 if commenced within one (1) year after the child reaches the age of
8 eighteen (18);

9 9. Court-ordered child support is owed until it is paid in full
10 and it is not subject to a statute of limitations; ~~and~~

11 10. An action to recover damages for any deficiency, defect,
12 omission, error or miscalculation in a survey or plat can be brought
13 against registered surveyors or their employees engaged in the
14 practice of land surveying who performed or furnished such survey or
15 plat if commenced within six (6) years of the date of the survey or
16 plat. The cause of action in such cases shall accrue when such
17 services are rendered as shown from the date on the survey or plat;
18 and

19 11. An action for relief, not hereinbefore provided for, can
20 only be brought within five (5) years after the cause of action
21 shall have accrued.

22 SECTION 2. This act shall become effective November 1, 2001.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-27-01 - DO
24 PASS, As Amended.