

ENROLLED SENATE
BILL NO. 1430

By: Robinson of the Senate

and

Dorman, Nance, Hiett,
Roggow, Jones, Steele and
Piatt of the House

An Act relating to civil procedure; requiring court to make certain determination under specified circumstances; defining term; requiring court to enter certain judgment upon specified finding; allowing imposition of sanctions under certain circumstances; 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 2011.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

In any action not arising out of contract, the court shall, upon granting a motion to dismiss an action or a motion for summary judgment or subsequent to adjudication on the merits, determine whether a claim or defense asserted in the action by a nonprevailing party was frivolous. As used in this section, "frivolous" means the action was knowingly asserted in bad faith, was unsupported by any credible evidence, was not grounded in fact, or was unwarranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law. Upon so finding, the court shall enter a judgment ordering such nonprevailing party to reimburse the prevailing party for reasonable costs, including attorney fees, incurred with respect to such claim or defense. In addition, the court may impose any sanction authorized by Section 2011 of Title 12 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2004.

Passed the Senate the 28th day of May, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2004.

Presiding Officer of the House
of Representatives