

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB1900:

Hastings

AS INTRODUCED

An Act relating to damages; providing limits of liability for actions not arising out of contract; providing that limits apply to actions accruing on or after certain date; defining term; repealing 23 O.S. 2001, Section 9.1, as amended by Section 1, Chapter 462, O.S.L. 2002 (23 O.S. Supp. 2003, Section 9.1), which relates to punitive damages; providing for codification; and declaring an emergency.

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 61A of Title 23, unless there is created a duplication in numbering, reads as follows:

A. The maximum liability a person may incur for any action not arising out of contract shall be:

1. Two Hundred Fifty Thousand Dollars (\$250,000.00) for any one person for personal injury;

2. Two Million Dollars (\$2,000,000.00) for any one occurrence for personal injury arising out of a single act; and

3. One Million Dollars (\$1,000,000.00) for any one occurrence for property damage arising out of a single act.

B. The provisions of this section shall apply to all actions not arising out of contract accruing on or after the effective date of this act.

C. As used in this section, "person" means any individual, executor, administrator, estate, agent, trust, trustee, institution, receiver, business trust, firm, corporation, partnership, limited

partnership, limited liability company, cooperative, joint venture, association or any other group or combination acting as a unit.

SECTION 2. REPEALER 23 O.S. 2001, Section 9.1, as amended by Section 1, Chapter 462, O.S.L. 2002 (23 O.S. Supp. 2003, Section 9.1), is hereby repealed.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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