

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE  
BILL NO. 2047

By: Hiett, Dank, Jackson,  
Johnson, Miller (Doug),  
Wesselhoft and Worthen of  
the House

and

Coffee of the Senate

An Act relating to tort reform; creating the Justice and Common Sense Act of 2005 \* \* \* \* prohibiting attorney fees for punitive damages; providing for determination of attorney fees in class actions; requiring plaintiffs to sign representation agreements \* \* \* \* punitive damages; modifying factors to be considered in awarding punitive damages; limiting punitive damage award based on net worth of defendant, with exceptions \* \* \* \* extending time insurer is exempt from certain surplus requirements; amending 47 O.S. 2001, Section 11-1112, as last amended by Section 1, Chapter 40, O.S.L. 2004 (47 O.S. Supp. 2004, Section 11-1112), which relates to child passenger restraint systems \* \* \* \* limiting the liability of educational entities and education employees for certain reporting; prohibiting punitive or exemplary damages against an educational entity or education employee \* \* \* \* providing for codification; providing for noncodification; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"[ tort reform - joint and several liability -  
effective date ]

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

SECTION 1. AMENDATORY Section 18, Chapter 368, O.S.L. 2004 (23 O.S. Supp. 2004, Section 15), is amended to read as follows:

Section 15. A. Except as provided in ~~subsections~~ subsection B and C of this section, in any civil action based on fault and not arising out of contract, the liability for damages caused by two or

more persons shall be several only and a joint tortfeasor shall be liable only for the amount of damages allocated to that tortfeasor.

~~B. A defendant shall be jointly and severally liable for the damages recoverable by the plaintiff if the percentage of responsibility attributed to the defendant with respect to a cause of action is greater than fifty percent (50%).~~

~~C. If at the time the incident which gave rise to the cause of action occurred, any the joint tortfeasors acted with willful and wanton conduct or with reckless disregard of the consequences of the conduct and such conduct in concert in committing a felony that proximately caused the damages legally recoverable by the plaintiff and the defendants were convicted of the felony, the liability for damages shall be joint and several.~~

~~D. This section shall not apply to actions brought by the state or a political subdivision of the state or any action in which no comparative negligence is found to be attributable to the plaintiff.~~

~~E. C.~~ The provisions of this section shall apply to all civil actions based on fault and not arising out of contract that accrue on or after November 1, ~~2004~~ 2005.

SECTION 2. This act shall become effective November 1, 2005."

Passed the Senate the 27th day of April, 2005.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2005.

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Presiding Officer of the House  
of Representatives