

An Act relating to tort reform; amending 5 O.S. 2001, Sections 7 and 9, which relate to attorney fees; modifying maximum percentage of allowable attorney fees; providing exception; providing for the award of attorney fees to the prevailing party in an action not arising out of contract; providing for determination of attorney fees in class actions; requiring plaintiffs to sign representation agreements; providing method of calculating attorney fees for class action cases; providing for judicial discretion to modify the fee award; requiring attorney fees to include noncash benefits in certain circumstances; defining term; establishing a statute of repose for product liability actions; authorizing the court to decline to exercise jurisdiction under the doctrine of forum non conveniens; providing factors that the court may consider; requiring each plaintiff to establish venue in cases in which there are multiple plaintiffs; providing for interlocutory appeal; authorizing the court to require plaintiff and defendant to agree to dismissal in certain circumstances; amending 12 O.S. 2001, Section 993, which relates to interlocutory appeals from certain orders; modifying grounds for interlocutory appeals; providing standard for making certain determination; requiring the Supreme Court to make certain determination within certain time; amending 12 O.S. 2001, Section 2023, which relates to class actions; requiring the court to hear and rule on certain motions before making a determination on certifying a class; providing effect of interlocutory appeal in certain circumstances; amending 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 that jury award of punitive damages must be unanimous for cases filed after a certain date; providing for reduction of damages if the plaintiff has settled with one or more persons; providing for designation of responsible third parties; amending 23 O.S. 2001, Section 61, which relates to the measure of damages for the breach of obligations not arising from contract; providing that compensation from collateral sources may be admitted into evidence; providing proof of certain losses must be in the form of a net loss after reduction for income tax payments or unpaid tax liability; limiting theory of recovery for certain medical liability actions; creating certain rebuttable presumptions; providing required standard of proof in medical liability actions involving emergency care; providing for payment of future losses in medical liability actions; creating the Education Quality and Protection Act; providing short title; stating legislative findings; stating purpose of the act; providing definitions; limiting the liability of educational entities and education employees for certain actions; stating standard of proof; limiting the liability of educational entities and education employees for certain reporting; prohibiting punitive or exemplary damages against an educational entity or education employee; making it unlawful to make a false criminal report against an education employee; providing punishment; limiting application for statements against certain persons; providing for effect on other laws; providing for the award of costs and attorney fees; authorizing expert witness fees; limiting amount of contingency fees by an attorney; providing penalty for violation of limit; providing for waiver of a defense when liability insurance is available; providing for the applicability of other laws; amending 76 O.S. 2001, Section 31, which relates to civil immunity for volunteers, charitable organizations, and not-for-profit corporations; modifying definition; creating the Product Liability Act; providing short title; defining terms; providing that a manufacturer or seller shall not be liable for inherently unsafe products; providing procedures and requirements in actions alleging design defect; providing elements a claimant must prove in certain actions

against manufacturers or sellers of firearms or ammunition; limiting liability of nonmanufacturing sellers; providing rebuttable presumption in actions relating to pharmaceutical products; providing rebuttable presumption concerning compliance with government standards; defining term; making evidence regarding measures taken after injury inadmissible; requiring filing of certain affidavit and procedures therefor; limiting liability of certain corporations for successor asbestos-related liabilities; amending Section 58, Chapter 368, O.S.L. 2004 (36 O.S. Supp. 2004, Section 2201), which relates to the Oklahoma Medical Professional Liability Trust Act; clarifying language; providing for codification; and providing an effective date.