

An Act relating to tort reform; creating the Common Sense in the Courtroom Act of 2006; providing short title; amending 5 O.S. 2001, Sections 7 and 9, which relate to attorney fees; modifying maximum percentage of allowable attorney fees; providing exception; prohibiting attorney fees for punitive damages; 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 terms; establishing a statute of repose for product liability actions; amending Section 2, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2005, Section 130) and 12 O.S. 2001, Sections 134 and 137, which relate to venue; modifying venue for certain actions; authorizing the court to decline to exercise jurisdiction under the doctrine of forum non conveniens; providing factors that the court may consider; providing that improper venue does not toll statute of limitations; requiring each plaintiff to establish venue in cases in which there are multiple plaintiffs; providing for interlocutory appeal; amending 12 O.S. 2001, Sections 683 and 684, as amended by Sections 3 and 4, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2005, Sections 683 and 684), which relate to dismissal; modifying procedure for dismissal without court order; providing that certain actions shall be dismissed with prejudice; amending Section 7, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2005, Section 727.1), which relates to interest on judgments; limiting applicability of prejudgment interest to actions filed prior to a certain date; amending 12 O.S. 2001, Section 832, which relates to contribution; limiting right to contribution; amending 12 O.S. 2001, Section 990.4, as last amended by Section 6, Chapter 1, O.S.L. 2005 (12 O.S. Supp. 2005, Section 990.4), which relates to stay of enforcement of judgments, decrees and final orders; providing maximum amount for bond; modifying court authority to lower amount of bond; requiring the court to enter certain orders to prevent dissipation or diversion; 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; providing that action in the trial court is stayed in certain circumstances; amending 12 O.S. 2001, Section 1101, which relates to offer of judgment; clarifying language; amending 12 O.S. 2001, Sections 2004, as amended by Section 7, Chapter 402, O.S.L. 2002, 2008, 2009 and 2011, as amended by Section 10, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2005, Sections 2004 and 2011), which relate to the Oklahoma Pleading Code; modifying time limit for service; modifying monetary threshold for which amount of damages is not specified; limiting the amount of damages that may be recovered under certain circumstances; modifying definition; amending Section 1, Chapter 370, O.S.L. 2004 (12 O.S. Supp. 2005, Section 2011.1), which relates to frivolous claims or defenses; modifying definition; providing for pretrial conferences; providing monetary requirement; limiting amount of damages that may be recovered; 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; requiring potential class members to request inclusion in the class; providing procedure for summary judgment; providing that evidence of remarriage of a surviving spouse is admissible in wrongful death actions; amending 12 O.S. 2001, Section 2702, which relates to testimony by experts; providing requirements for expert testimony; providing role of the court; providing for interpretation; amending 12 O.S. 2001, Section 3226, as last amended by Section 3, Chapter 519, O.S.L. 2004 (12 O.S. Supp. 2005, Section 3226), which relates to discovery; eliminating requirement that a party produce certain agreement; requiring certain disclosures prior to discovery request; stating legislative intent in construing the Oklahoma Consumer Protection Act; amending 15 O.S. 2001, Sections 754 and 761.1, which relate to liability under the Oklahoma Consumer Protection Act; modifying exclusions from the Oklahoma Consumer Protection Act; requiring actual damages incurred by person bringing private action; amending 23 O.S. 2001, Section 9.1, as amended by Section 1, Chapter 462, O.S.L. 2002 (23 O.S. Supp. 2005, Section 9.1), which relates to punitive damages; modifying factors to be considered in awarding punitive damages; requiring presentation of prima facie evidence for punitive damages claims prior to certain discovery; limiting punitive damage award based on net worth of defendant, with exceptions; providing for determination of net worth; providing that portion of punitive damage award in medical liability actions escheats to the state to certain fund; amending Section 18, Chapter 368, O.S.L. 2004 (23 O.S. Supp. 2005, Section 15), which relates to joint and several liability; modifying exceptions to severability; providing exception; providing for reduction of damages if the plaintiff has settled with one or more persons; 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 shall be admitted into evidence and may be deducted from damages awarded; providing proof of certain losses must be in the form of a net loss after reduction for income tax payments or unpaid tax liability; providing limits of liability for noneconomic damages for certain actions; defining term; amending 47 O.S. 2001, Section 11-1112, as last amended by Section 1, Chapter 361, O.S.L. 2005 (47 O.S. Supp. 2005, Section 11-1112), which relates to child passenger restraint systems; eliminating prohibitions against admissibility of certain evidence in civil actions; limiting liability for certain entities; amending Sections 4 and 7, Chapter 390, O.S.L. 2003 and Section 24, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2005, Sections 1-1708.1D, 1-1708.1G and 1-1708.1I), which relate to the Affordable Access to Health Care Act; requiring receipt of compensation for injury be admitted into evidence for certain purposes; limiting recovery for payment of medical bills; removing courts right to make certain determination; providing limits of liability in certain civil actions against hospitals, hospital systems and certain persons, with exceptions; requiring written acknowledgment; limiting applicability of prejudgment interest to medical liability actions filed prior to a certain date; mandating certain qualifications for expert witnesses; modifying criteria for determining if an expert is qualified to offer expert testimony; providing for payment of future losses in medical liability actions; amending 63 O.S. 2001, Section 1-1709.1, as last amended by Section 2, Chapter 558, O.S.L. 2004 (63 O.S. Supp. 2005, Section 1-1709.1), which relates to peer review information; providing that certain information, recommendations and actions are not subject to discovery; 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; providing that existence of liability insurance is not a

waiver of any defense; providing for the applicability of other laws; amending 76 O.S. 2001, Sections 10 and 14, as amended by Sections 26 and 30, Chapter 368, O.S.L. 2004, and as renumbered by Section 67, Chapter 368, O.S.L. 2004 (2 O.S. Supp. 2005, Sections 16-71.1 and 16-71.5), which relate to the Oklahoma Limitation of Liability for Farming and Ranching Land Act; clarifying scope of application; eliminating inconsistent reference to standard of care; amending 76 O.S. 2001, Section 25, which relates to professional review bodies; providing that certain information is not subject to discovery; prohibiting testimony by certain persons; amending 76 O.S. 2001, Section 31 and Section 34, Chapter 368, O.S.L. 2004 (76 O.S. Supp. 2005, Section 32), which relate to civil immunity for volunteers, charitable organizations, not-for-profit corporations and volunteer medical professionals; modifying definition; expanding immunity for volunteer medical professionals; creating the Common Sense Consumption Act; providing short title; stating legislative intent; defining terms; providing immunity from civil liability for certain claims; providing exception; providing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; providing scope of claims covered; 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; repealing Section 8, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2005, Section 832.1), which relates to indemnification product liability actions; repealing 23 O.S. 2001, Section 103, which relates to personal injury actions asserted in bad faith; repealing 47 O.S. 2001, Section 12-420, as amended by Section 13, Chapter 50, O.S.L. 2005 (47 O.S. Supp. 2005, Section 12-420), which relates to inadmissibility of evidence in civil actions of failure to use seatbelt; repealing Section 6, Chapter 390, O.S.L. 2003, as amended by Section 21, Chapter 368, O.S.L. 2004, and Section 22, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2005, Sections 1-1708.1F and 1-1708.1F-1), which relate to limits on noneconomic damages in medical liability actions; providing for codification; providing for noncodification; providing severability; and providing an effective date.