

An Act relating to civil procedure; establishing procedures for transfer of certain cases; specifying party responsible for certain fees; amending 12 O.S. 2001, Sections 696.2, 696.3, as amended by Section 1, Chapter 181, O.S.L. 2004, 990A, as amended by Section 6, Chapter 468, O.S.L. 2002, 1083, 2004.1, as last amended by Section 21, Chapter 468, O.S.L. 2002, 2005, 3234 and 3236 (12 O.S. Supp. 2004, Sections 696.3, 990A and 2004.1), which relate to judgments, decrees and appealable orders, appeal, dismissal, subpoena, service and filing, production of documents and requests for admission; modifying certain notice procedures; providing exception for certain signature requirement; requiring dismissal of certain action; modifying certain subpoena procedures; allowing certain methods of service under certain circumstances; modifying scope of requests for production of documents and requests for admission; creating the Justice and Common Sense Act of 2005; 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 term; amending 12 O.S. 2001, Section 95, as last amended by Section 1, Chapter 168, O.S.L. 2004 (12 O.S. Supp. 2004, Section 95), which relates to limitations on actions; establishing statute of repose for certain actions; 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; 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. 2004, Sections 683 and 684), which relate to dismissal; modifying procedure for dismissal; amending Section 7, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, 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 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 1101, which relates to offer of judgment; clarifying language; amending 12 O.S. 2001, Sections 2008 and 2009, which relate to the Oklahoma Pleading Code; modifying monetary threshold for which amount of damages are not specified; limiting the amount of damages that may be recovered under certain circumstances; amending Section 1, Chapter 370, O.S.L. 2004 (12 O.S. Supp. 2004, Section 2011.1), which relates to frivolous claims or defenses; modifying definition; 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; 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. 2004, Section 3226), which relates to discovery; eliminating requirement that a party produce certain agreement; requiring certain disclosures prior to discovery request; amending 15 O.S. 2001, Section 761.1, which relates to liability under the 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. 2004, Section 9.1), which relates to punitive damages; modifying factors to be considered in awarding punitive damages; limiting punitive damage award based on net worth of defendant, with exceptions; providing for determination of net worth; providing that jury award of punitive damages must be unanimous for cases filed after a certain date; 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. 2004, 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; 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; 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 40, O.S.L. 2004 (47 O.S. Supp. 2004, Section 11-1112), which relates to child passenger restraint systems; eliminating prohibitions against admissibility of certain evidence in civil actions; amending 51 O.S. 2001, Section 152, as last amended by Section 19, Chapter 368, O.S.L. 2004 (51 O.S. Supp. 2004, Section 152), which relates to definitions; modifying definition; modifying circumstances in which state is not liable; amending 51 O.S. 2001, Section 154, as amended by Section 2, Chapter 304, O.S.L. 2003 (51 O.S. Supp. 2004, Section 154), which relates to extent of liability; 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. 2004, 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; 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. 2004, 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, 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. 2004, 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 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. 2004, 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 of Enrolled House Bill No. 1246 of the 1st Session of the 50th Oklahoma Legislature, 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. 2004, 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; and providing an effective date.