

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1901

By: Lerblance

AS INTRODUCED

An Act relating to civil procedure; requiring reporting of information related to certain claimants; requiring publication of names of certain claimants; providing that disputed claims be interpled into court; providing for the disposition of certain funds; stating applicability of act; providing for codification; and providing an effective date.

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 2023.3 of Title 12, unless there is created a duplication in numbering, reads as follows:

Unless provided for otherwise by contract between the parties or by order of the court for good cause shown, this section shall provide for the uniform disposition of any residual class action funds remaining after the initial distribution of any settlement or judgment in any class action certified pursuant to Section 2023 of this title, or Rule 23 of the Federal Rules of Civil Procedure and based upon the substantive laws of the State of Oklahoma.

1. Within one (1) year after a settlement or judgment in any class action becomes final and the court approves the initial distribution to class member claimants, the court shall order that the names and last known addresses of any unlocated potential claimants be reported to the Treasurer of the State of Oklahoma, Unclaimed Property Division.

2. For a period of one (1) year, the Unclaimed Property Division of the State Treasurer's office shall publish and make available the names of unlocated potential claimants in the same

manner as those parties with unclaimed property surrendered to the Unclaimed Property Division. If a potential claimant contacts the Unclaimed Property Division about a claim, he or she shall be referred to the court and attorney for the class. During this one (1) year publication period, nothing shall prohibit the court from authorizing additional distributions to located and approved claimants.

3. The amount of the residual fund representing known but disputed claims shall be paid into the court fund for safekeeping and the disputing claimants shall be joined in a separate action by way of interpleader pursuant to Section 2022 of this title.

4. Except as set forth in subsection c of this section, after the expiration of the publication period set forth in subsection b of this section, all potential claims against the remaining residual class action funds shall be barred and the court shall order that the remaining residual class action funds be disbursed as follows:

- a. twenty-five percent (25%) to the general court fund of the judicial district where the action was pending to be utilized for the purpose of capital improvements to the courtrooms and court facilities and other non-reoccurring court expenditures,
- b. twenty-five percent (25%) to the Administrative Director of the Courts to be utilized by the Appellate Courts for the purpose of capital improvements to the appellate courtroom and court facilities and other non-reoccurring court expenditures,
- c. twenty-five percent (25%) to projects, state agencies or non-profit organizations that the court determines will benefit the class as a whole, and
- d. twenty-five percent (25%) to the State Treasurer for inclusion in the State of Oklahoma General Fund or for

special projects as subsequently authorized by the  
Legislature.

5. This section shall be applicable to all pending class actions and all class action where residual class funds are remaining at the time this act becomes effective. If the initial distribution of the class action fund occurred more than one (1) year prior to the effective date of this section, for purposes of this section, the initial distribution date shall be deemed one (1) year prior to the effective date of this section. If the initial distribution of the class action fund occurred within the time period between the effective date of this section and one (1) year prior to the effective date of this section, for purposes of this section, the initial distribution date shall be deemed the effective date of this section.

SECTION 2. This act shall become effective November 1, 2006.

50-2-3383

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