

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2197

By: Moore

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending Section
8 1, Chapter 370, O.S.L. 2004, as amended by Section
9 10, Chapter 12, O.S.L. 2007 (12 O.S. Supp. 2008,
10 Section 2011.1), which relates to required findings
11 upon dismissal or adjudication of action; requiring
12 court to determine if claim was frivolous upon ruling
13 on certain motions or subsequent to adjudication on
14 the merits; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 370, O.S.L.
17 2004, as amended by Section 10, Chapter 12, O.S.L. 2007 (12 O.S.
18 Supp. 2008, Section 2011.1), is amended to read as follows:

19 Section 2011.1 In any action not arising out of contract, ~~if~~
20 ~~requested~~ the court shall, upon ruling on a motion to dismiss an
21 action or a motion for summary judgment or subsequent to
22 adjudication on the merits, determine whether a claim or defense
23 asserted in the action by a nonprevailing party was frivolous. As
24 used in this section, "frivolous" means the claim or defense was
knowingly asserted in bad faith, was unsupported by any credible
evidence, was not grounded in fact, or was unwarranted by existing

1 law or a good faith argument for the extension, modification, or
2 reversal of existing law or the establishment of new law. Upon so
3 finding, the court shall enter an order requiring such nonprevailing
4 party to reimburse the prevailing party for reasonable costs,
5 including attorney fees, incurred with respect to such claim or
6 defense. In addition, the court may impose any sanction authorized
7 by Section 2011 of Title 12 of the Oklahoma Statutes.

8 SECTION 2. This act shall become effective November 1, 2009.

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10 52-1-6318 MMP 1/02/09

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