

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1122

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to damages; amending Section 18,
8 Chapter 368, O.S.L. 2004 (23 O.S. Supp. 2008, Section
9 15), which relates to joint tortfeasor liability;
10 eliminating certain liability; stating applicability
11 of act; and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 18, Chapter 368, O.S.L.
14 2004 (23 O.S. Supp. 2008, Section 15), is amended to read as
15 follows:

16 Section 15. A. Except as provided in ~~subsections~~ subsection B
17 ~~and C~~ of this section, in any civil action based on fault and not
18 arising out of contract, the liability for damages caused by two or
19 more persons shall be several only and a joint tortfeasor shall be
20 liable only for the amount of damages allocated to that tortfeasor.

21 B. ~~A defendant shall be jointly and severally liable for the~~
22 ~~damages recoverable by the plaintiff if the percentage of~~
23 ~~responsibility attributed to the defendant with respect to a cause~~
24 ~~of action is greater than fifty percent (50%).~~

1 ~~C.~~ If at the time the incident which gave rise to the cause of
2 action occurred, ~~any a joint tortfeasors~~ tortfeasor acted with
3 willful and wanton conduct or with reckless disregard of the
4 consequences of the conduct and such conduct proximately caused the
5 damages legally recoverable by the plaintiff, the liability for
6 damages shall be joint and several as to any such tortfeasor.

7 ~~D. This section shall not apply to actions brought by the state
8 or a political subdivision of the state or any action in which no
9 comparative negligence is found to be attributable to the plaintiff.~~

10 ~~E.~~ C. The provisions of this section shall apply to all civil
11 actions based on fault and not arising out of contract that accrue
12 on or after November 1, ~~2004~~ 2009.

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

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