

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 2192

                                  By: Murphey

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8                                   COMMITTEE SUBSTITUTE

9           An Act relating to electronic court filings; amending  
10           12 O.S. 2011, Section 696.4, which relates to costs  
11           and attorney fees; deleting requests by brief;  
12           amending 12 O.S. 2011, Section 3226, which relates to  
13           the Oklahoma Discovery Code; permitting electronic  
14           filing for protected material; amending 12A O.S.  
15           2011, Section 15-121, which relates to the Uniform  
16           Electronic Transactions Act; exempting court filings  
17           from rules promulgated by Secretary of State;  
18           requiring use of electronic signature; directing  
19           procedures adopted by Supreme Court be followed;  
20           amending 22 O.S. 2011, Sections 1114.3 and 1114.3A,  
21           which relate to filing traffic citations; allowing  
22           electronic filing by district attorney; removing  
23           requirement of paper copy when filing electronically;  
24           amending 43 O.S. 2011, Section 9, which relates to  
          marriage license recording; allowing recording by  
          electronic means as approved by the Supreme Court;  
          amending 51 O.S. 2011, Section 24A.29, which relates  
          to the Oklahoma Open Records Act; permitting  
          electronic filing for protected material; and  
          providing an effective date.

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

1 SECTION 1. AMENDATORY 12 O.S. 2011, Section 696.4, is  
2 amended to read as follows:

3 Section 696.4 A. A judgment, decree or appealable order may  
4 provide for costs, attorney fees, or both of these items, but it  
5 need not include them. The preparation and filing of the judgment,  
6 decree, or appealable order shall not be delayed pending the  
7 determination of these items. Such items may be determined by the  
8 court if a timely request is made, regardless of whether a petition  
9 in error has been filed.

10 B. If attorney fees or costs, including the amount of such  
11 attorney fees or costs have not been included in the judgment,  
12 decree or appealable order, a party seeking any of these items must  
13 file an application with the court clerk along with the proof of  
14 service of the application on all affected parties in accordance  
15 with Section 2005 of this title. The application must set forth the  
16 amount requested and include information which supports that amount.  
17 The application must be filed within thirty (30) days after the  
18 filing of the judgment, decree or appealable order unless a  
19 posttrial motion pursuant to subsection A of Section 990.2 of this  
20 title has been filed within ten (10) days after the filing of the  
21 judgment, decree, or appealable order. If such a motion is filed  
22 within that time, the application for attorney fees, costs, or  
23 interest shall be filed within thirty (30) days after the date an

1 order disposing of the posttrial motion is filed. If the party  
2 filing the application did not prepare the judgment, decree, or  
3 appealable order, and Section 696.2 of this title required a copy of  
4 the judgment, decree, or appealable order to be mailed to the party  
5 filing application, and the court records do not reflect the mailing  
6 of a copy of the judgment, decree, or appealable order to the party  
7 filing the application within three (3) days, exclusive of weekends  
8 and holidays, after the filing of the judgment, decree, or  
9 appealable order, the application may be filed no later than thirty  
10 (30) days after the earliest date on which the court records show  
11 that a copy of the judgment, decree, appealable order, or order  
12 disposing of the posttrial motion was mailed to the party filing the  
13 application. For good cause shown, the court may extend the time  
14 for filing the application upon motion filed within the time that  
15 the application could be filed. Within fifteen (15) days after the  
16 application is filed with the court, any party may file written  
17 objections to it, with a copy to the moving party.

18 C. Except as provided in Subsection D of this section, an  
19 application for attorney fees for services performed on appeal shall  
20 be made to the appellate court ~~either in the applicant's brief on~~  
21 ~~appeal or~~ by separate motion filed any time before issuance of  
22 mandate. ~~If in the brief, the application shall be made in a~~  
23 ~~separate portion that is specifically identified.~~ The application

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1 shall cite authority for awarding attorney fees but shall not  
2 include evidentiary material concerning their amount. The appellate  
3 court shall decide whether to award attorney fees for services on  
4 appeal, and if fees are awarded, it shall remand the case to the  
5 trial court for a determination of their amount. The trial court's  
6 order determining the amount of fees is an appealable order.

7 D. If the right of a party to recover attorney fees depends  
8 upon a determination that the party has prevailed in an action, and  
9 if the prevailing party in the action cannot be determined from the  
10 decision of the appellate court, an application for attorney fees  
11 for services performed on appeal shall be made to the trial court in  
12 the manner and within the time provided in subsection B of this  
13 section.

14 SECTION 2. AMENDATORY 12 O.S. 2011, Section 3226, is  
15 amended to read as follows:

16 Section 3226. A. DISCOVERY METHODS; INITIAL DISCLOSURES.

17 1. DISCOVERY METHODS. Parties may obtain discovery by one or  
18 more of the following methods: Depositions upon oral examination or  
19 written questions; written interrogatories; production of documents  
20 or things or permission to enter upon land or other property, for  
21 inspection and other purposes; physical and mental examinations; and  
22 requests for admission. Except as provided in this section or  
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1 unless the court orders otherwise under this section, the frequency  
2 of use of these methods is not limited.

3 2. INITIAL DISCLOSURES.

4 a. Except in categories of proceedings specified in  
5 subparagraph b of this paragraph, or to the extent  
6 otherwise stipulated or directed by order, a party,  
7 without awaiting a discovery request, shall provide to  
8 other parties a computation of any category of damages  
9 claimed by the disclosing party, making available for  
10 inspection and copying the documents or other  
11 evidentiary material, not privileged or protected from  
12 disclosure, on which such computation is based,  
13 including materials bearing on the nature and extent  
14 of injuries suffered.

15 b. The following categories of proceedings are exempt  
16 from initial disclosure under subparagraph a of this  
17 paragraph:

- 18 (1) an action for review of an administrative record,
- 19 (2) a petition for habeas corpus or other proceeding  
20 to challenge a criminal conviction or sentence,
- 21 (3) an action brought without counsel by a person in  
22 custody of the United States, a state, or a state  
23 subdivision,

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- (4) an action to enforce or quash an administrative summons or subpoena,
- (5) an action by the United States to recover benefit payments,
- (6) an action by the United States to collect on a student loan guaranteed by the United States,
- (7) a proceeding ancillary to proceedings in other courts, and
- (8) an action to enforce an arbitration award.

c. Disclosures required under this paragraph shall be made at or within sixty (60) days after service unless a different time is set by stipulation or court order, or unless a party objects that initial disclosures are not appropriate in the circumstances of the action and states the objection in a motion filed with the court. In ruling on the objection, the court shall determine what disclosures, if any, are to be made and set the time for disclosure. A party shall make its initial disclosures based on the information then readily available to it and is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the

1           sufficiency of another party's disclosures or because  
2           another party has not made its disclosures.

3           B. DISCOVERY SCOPE AND LIMITS. Unless otherwise limited by  
4 order of the court in accordance with the Oklahoma Discovery Code,  
5 the scope of discovery is as follows:

6           1. IN GENERAL.

7           a. Parties may obtain discovery regarding any matter, not  
8           privileged, which is relevant to the subject matter  
9           involved in the pending action, whether it relates to  
10          the claim or defense of the party seeking discovery or  
11          to the claim or defense of any other party, including  
12          the existence, description, nature, custody, condition  
13          and location of any documents, electronically stored  
14          information or other tangible things and the identity  
15          and location of persons having knowledge of any  
16          discoverable matter. It is not a ground for objection  
17          that the information sought will be inadmissible at  
18          the trial if the information sought appears reasonably  
19          calculated to lead to the discovery of admissible  
20          evidence.

21          b. A party shall produce upon request pursuant to Section  
22          3234 of this title, any insurance agreement under  
23          which any person carrying on an insurance business may  
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1 be liable to satisfy part or all of a judgment which  
2 may be entered in the action or to indemnify or  
3 reimburse for payments made to satisfy the judgment.  
4 Information concerning the insurance agreement is not  
5 by reason of disclosure admissible in evidence at  
6 trial. For purposes of this section, an application  
7 for insurance shall not be treated as a part of an  
8 insurance agreement.

9 2. LIMITATIONS ON FREQUENCY AND EXTENT.

10 a. By order, the court may alter the limits on the length  
11 of depositions under Section 3230 of this title, on  
12 the number of interrogatories under Section 3233 of  
13 this title, on the number of requests to produce under  
14 Section 3234 of this title, or on the number of  
15 requests for admission under Section 3236 of this  
16 title.

17 b. A party is not required to provide discovery of  
18 electronically stored information from sources that  
19 the party identifies as not reasonably accessible  
20 because of undue burden or cost. On motion to compel  
21 discovery or for a protective order, the party from  
22 whom discovery is sought must show that the  
23 information is not reasonably accessible because of

1 undue burden or cost. If that showing is made, the  
2 court may order discovery from such sources if the  
3 requesting party shows good cause, considering the  
4 limitations of subparagraph c of this paragraph ~~2~~ of  
5 ~~subsection B of this section~~. The court may specify  
6 conditions for the discovery.

7 c. On motion or on its own, the court shall limit the  
8 frequency or extent of discovery otherwise allowed if  
9 it determines that:

10 (1) the discovery sought is unreasonably cumulative  
11 or duplicative, or can be obtained from some  
12 other source that is more convenient, less  
13 burdensome, or less expensive,

14 (2) the party seeking discovery has had ample  
15 opportunity to obtain the information by  
16 discovery in the action, or

17 (3) the burden or expense of the proposed discovery  
18 outweighs its likely benefit, considering the  
19 needs of the case, the amount in controversy, the  
20 parties' resources, the importance of the issues  
21 at stake in the action, and the importance of the  
22 discovery in resolving the issues.

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1           3. TRIAL PREPARATION: MATERIALS. Subject to the provisions of  
2 paragraph 4 of this subsection, discovery may be obtained of  
3 documents and tangible things otherwise discoverable under paragraph  
4 1 of this subsection and prepared in anticipation of litigation or  
5 for trial by or for another party or by or for the representative of  
6 that other party, including his attorney, consultant, surety,  
7 indemnitor, only upon a showing that the party seeking discovery has  
8 substantial need of the materials in the preparation of his case and  
9 that he is unable, without undue hardship, to obtain the substantial  
10 equivalent of the materials by other means. In ordering discovery  
11 of such materials when the required showing has been made, the court  
12 shall protect against disclosure of the mental impressions,  
13 conclusions, opinions or legal theories of an attorney or other  
14 representative of a party concerning the litigation.

15           A party may obtain, without the required showing provided for in  
16 this paragraph, a statement concerning the action or its subject  
17 matter previously made by that party. Upon request, a person not a  
18 party may obtain without the required showing a statement concerning  
19 the action or its subject matter previously made by that person. If  
20 the request is refused, the person may move for a court order. The  
21 provisions of paragraph 4 of subsection A of Section 3237 of this  
22 title apply to the award of expenses incurred in relation to the  
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1 motion. For purposes of this paragraph, a statement previously made  
2 is:

3 a. a written statement signed or otherwise adopted or  
4 approved by the person making it, or

5 b. a stenographic, mechanical, electrical, or other  
6 recording, or a transcription thereof, which  
7 substantially recites an oral statement by the person  
8 making it and contemporaneously recorded.

9 4. TRIAL PREPARATION: EXPERTS.

10 a. Discovery of facts known and opinions held by experts,  
11 otherwise discoverable under the provisions of  
12 paragraph 1 of this subsection and acquired or  
13 developed in anticipation of litigation or for trial,  
14 may be obtained only as follows:

15 (1) ~~A~~ a party may, through interrogatories, require  
16 any other party to identify each person whom that  
17 other party expects to call as an expert witness  
18 at trial and give the address at which that  
19 expert witness may be located~~.,~~

20 (2) ~~After~~ after disclosure of the names and addresses  
21 of the expert witnesses, the other party expects  
22 to call as witnesses, the party, who has  
23 requested disclosure, may depose any such expert  
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1 witnesses subject to scope of this section.  
2 Prior to taking the deposition the party must  
3 give notice as required in subsections A and C of  
4 Section 3230 of this title. If any documents are  
5 provided to such disclosed expert witnesses, the  
6 documents shall not be protected from disclosure  
7 by privilege or work product protection and they  
8 may be obtained through discovery~~-,~~ and

9 (3) ~~In~~ in addition to taking the depositions of  
10 expert witnesses the party may, through  
11 interrogatories, require the party who expects to  
12 call the expert witnesses to state the subject  
13 matter on which each expert witness is expected  
14 to testify; the substance of the facts and  
15 opinions to which the expert is expected to  
16 testify and a summary of the grounds for each  
17 opinion; the qualifications of each expert  
18 witness, including a list of all publications  
19 authored by the expert witness within the  
20 preceding ten (10) years; the compensation to be  
21 paid to the expert witness for the testimony and  
22 preparation for the testimony; and a listing of  
23 any other cases in which the expert witness has  
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1 testified as an expert at trial or by deposition  
2 within the preceding four (4) years. An  
3 interrogatory seeking the information specified  
4 above shall be treated as a single interrogatory  
5 for purposes of the limitation on the number of  
6 interrogatories in Section 3233 of this title.

7 b. A party may discover facts known or opinions held by  
8 an expert who has been retained or specially employed  
9 by another party in anticipation of litigation or  
10 preparation for trial and who is not expected to be  
11 called as a witness at trial, only upon motion, when  
12 the court may order discovery as provided in Section  
13 3235 of this title or upon a showing of exceptional  
14 circumstances under which it is impracticable for the  
15 party seeking discovery to obtain facts or opinions on  
16 the same subject by any other means.

17 c. Unless manifest injustice would result:

18 (1) ~~The~~ the court shall require that the party  
19 seeking discovery pay the expert a reasonable fee  
20 for time spent in responding to discovery under  
21 division (2) of subparagraph a of this paragraph  
22 and subparagraph b of this paragraph~~, and~~

1           (2) ~~The~~ the court shall require that the party  
2           seeking discovery with respect to discovery  
3           obtained under subparagraph b of this paragraph,  
4           pay the other party a fair portion of the fees  
5           and expenses reasonably incurred by the latter  
6           party in obtaining facts and opinions from the  
7           expert.

8           5. CLAIMS OF PRIVILEGE OR PROTECTION OF TRIAL PREPARATION  
9 MATERIALS.

- 10           a. When a party withholds information otherwise  
11           discoverable under the Oklahoma Discovery Code by  
12           claiming that it is privileged or subject to  
13           protection as trial preparation material, the party  
14           shall make the claim expressly and shall describe the  
15           nature of the documents, communications, or things not  
16           produced or disclosed in a manner that, without  
17           revealing information itself privileged or protected,  
18           will enable other parties to assess the applicability  
19           of the privilege or protection.
- 20           b. If information produced in discovery is subject to a  
21           claim of privilege or of protection as trial  
22           preparation material, the party making the claim may  
23           notify any party that received the information of the

1 claim and the basis for it. After being notified, a  
2 party shall promptly return, sequester, or destroy the  
3 specified information and any copies the party has;  
4 shall not use or disclose the information until the  
5 claim is resolved; shall take reasonable steps to  
6 retrieve the information if the party has disclosed it  
7 before being notified; and may promptly present the  
8 information to the court under seal for a  
9 determination of the claim. The producing party shall  
10 preserve the information until the claim is resolved.  
11 This mechanism is procedural only and does not alter  
12 the standards governing whether the information is  
13 privileged or subject to protection as trial  
14 preparation material or whether such privilege or  
15 protection has been waived.

16 C. PROTECTIVE ORDERS.

17 1. Upon motion by a party or by the person from whom discovery  
18 is sought, accompanied by a certification that the movant has in  
19 good faith conferred or attempted to confer, either in person or by  
20 telephone, with other affected parties in an effort to resolve the  
21 dispute without court action, and for good cause shown, the court in  
22 which the action is pending or on matters relating to a deposition,  
23 the district court in the county where the deposition is to be taken

1 may enter any order which justice requires to protect a party or  
2 person from annoyance, harassment, embarrassment, oppression or  
3 undue delay, burden or expense, including one or more of the  
4 following:

- 5 a. that the discovery not be had,
- 6 b. that the discovery may be had only on specified terms  
7 and conditions, including a designation of the time or  
8 place,
- 9 c. that the discovery may be had only by a method of  
10 discovery other than that selected by the party  
11 seeking discovery,
- 12 d. that certain matters not be inquired into, or that the  
13 scope of the disclosure or discovery be limited to  
14 certain matters,
- 15 e. that discovery be conducted with no one present except  
16 persons designated by the court,
- 17 f. that a deposition after being sealed be opened only by  
18 order of the court,
- 19 g. that a trade secret or other confidential research,  
20 development or commercial information not be disclosed  
21 or be disclosed only in a designated way, and

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1           h.    that the parties simultaneously file specified  
2                documents or information enclosed in sealed envelopes  
3                to be opened as directed by the court~~+~~.

4           2.  If the motion for a protective order is denied in whole or  
5 in part, the court may, on such terms and conditions as are just,  
6 order that any party or person provide or permit discovery.  The  
7 provisions of paragraph 4 of subsection A of Section 3237 of this  
8 title apply to the award of expenses incurred in relation to the  
9 motion.  Any protective order of the court which has the effect of  
10 removing any material obtained by discovery from the public record  
11 shall contain the following:

- 12           a.  a statement that the court has determined it is  
13                necessary in the interests of justice to remove the  
14                material from the public record,
- 15           b.  specific identification of the material which is to be  
16                removed or withdrawn from the public record, or which  
17                is to be filed but not placed in the public record,  
18                and
- 19           c.  a requirement that any party obtaining a protective  
20                order place the protected material in a sealed manila  
21                envelope clearly marked with the caption and case  
22                number and is clearly marked with the word  
23                "CONFIDENTIAL", and stating the date the order was

1 entered and the name of the judge entering the order~~†~~.  
2 This requirement may also be satisfied by requiring  
3 the party to file the documents pursuant to the  
4 procedure for electronically filing sealed or  
5 confidential documents approved for electronic filing  
6 in the courts of this state.

7 3. No protective order entered after the filing and  
8 microfilming of documents of any kind shall be construed to require  
9 the microfilm record of such filing to be amended in any fashion~~†~~.

10 4. The party or counsel which has received the protective order  
11 shall be responsible for promptly presenting the order to  
12 appropriate court clerk personnel for appropriate action~~†~~.

13 5. All documents produced or testimony given under a protective  
14 order shall be retained in the office of counsel until required by  
15 the court to be filed in the case~~†~~.

16 6. Counsel for the respective parties shall be responsible for  
17 informing witnesses, as necessary, of the contents of the protective  
18 order~~†~~ and.

19 7. When a case is filed in which a party intends to seek a  
20 protective order removing material from the public record, the  
21 plaintiff(s) and defendant(s) shall be initially designated on the  
22 petition under pseudonym such as "John or Jane Doe", or "Roe", and  
23 the petition shall clearly indicate that the party designations are

1 fictitious. The party seeking confidentiality or other order  
2 removing the case, in whole or in part, from the public record,  
3 shall immediately present application to the court, seeking  
4 instructions for the conduct of the case, including confidentiality  
5 of the records.

6 D. SEQUENCE AND TIMING OF DISCOVERY. Unless the court upon  
7 motion, for the convenience of parties and witnesses and in the  
8 interests of justice, orders otherwise, methods of discovery may be  
9 used in any sequence. The fact that a party is conducting  
10 discovery, whether by deposition or otherwise, shall not operate to  
11 delay discovery by any other party.

12 E. SUPPLEMENTATION OF RESPONSES. A party who has responded to  
13 a request for discovery with a response that was complete when it  
14 was made is under no duty to supplement the response to include  
15 information thereafter acquired, except as follows:

- 16 1. A party is under a duty seasonably to supplement the  
17 response with respect to any question directly addressed to:
- 18 a. the identity and location of persons having knowledge  
19 of discoverable matters, and
  - 20 b. the identity of each person expected to be called as  
21 an expert witness at trial, the subject matter on  
22 which the person is expected to testify, and the  
23 substance of the testimony of the person;

1 2. A party is under a duty seasonably to amend a prior response  
2 to an interrogatory, request for production, or request for  
3 admission if the party obtains information upon the basis of which:

4 a. (1) the party knows that the response was incorrect  
5 in some material respect when made, or

6 (2) the party knows that the response, which was  
7 correct when made, is no longer true in some  
8 material respect, and

9 b. the additional or corrective information has not  
10 otherwise been made known to the other parties during  
11 the discovery process or in writing; and

12 3. A duty to supplement responses may be imposed by order of  
13 the court, agreement of the parties, or at any time prior to trial  
14 through new requests for supplementation of prior responses.

15 F. DISCOVERY CONFERENCE. At any time after commencement of an  
16 action, the court may direct the attorneys for the parties to appear  
17 for a conference on the subject of discovery. The court shall do so  
18 upon motion by the attorney for any party if the motion includes:

- 19 1. A statement of the issues as they then appear;  
20 2. A proposed plan and schedule of discovery;  
21 3. Any limitations proposed to be placed on discovery;  
22 4. Any other proposed orders with respect to discovery; and  
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1 5. A statement showing that the attorney making the motion has  
2 made a reasonable effort to reach agreement with opposing attorneys  
3 on the matters set forth in the motion.

4 Each party and his attorney are under a duty to participate in  
5 good faith in the framing of a discovery plan if a plan is proposed  
6 by the attorney for any party. Notice of the motion shall be served  
7 on all parties. Objections or additions to matters set forth in the  
8 motion shall be served not later than ten (10) days after service of  
9 the motion.

10 Following the discovery conference, the court shall enter an  
11 order tentatively identifying the issues for discovery purposes,  
12 establishing a plan and schedule for discovery, setting limitations  
13 on discovery, if any; and determining such other matters, including  
14 the allocation of expenses, as are necessary for the proper  
15 management of discovery in the action. In preparing the plan for  
16 discovery the court shall protect the parties from excessive or  
17 abusive use of discovery. An order shall be altered or amended  
18 whenever justice so requires.

19 Subject to the right of a party who properly moves for a  
20 discovery conference to prompt convening of the conference, the  
21 court may combine the discovery conference with a pretrial  
22 conference.

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1 G. SIGNING OF DISCOVERY REQUESTS, RESPONSES AND OBJECTIONS.

2 Every request for discovery, response or objection thereto made by a  
3 party represented by an attorney shall be signed by at least one of  
4 the party's attorneys of record in the party's individual name whose  
5 address shall be stated. A party who is not represented by an  
6 attorney shall sign the request, response or objection and state the  
7 party's address. The signature of the attorney or party constitutes  
8 a certification that the party has read the request, response or  
9 objection, and that it is:

10 1. To the best of the party's knowledge, information and belief  
11 formed after a reasonable inquiry consistent with the Oklahoma  
12 Discovery Code and warranted by existing law or a good faith  
13 argument for the extension, modification or reversal of existing  
14 law;

15 2. Interposed in good faith and not primarily to cause delay or  
16 for any other improper purpose; and

17 3. Not unreasonable or unduly burdensome or expensive, given  
18 the nature and complexity of the case, the discovery already had in  
19 the case, the amount in controversy, and other values at stake in  
20 the litigation. If a request, response or objection is not signed,  
21 it shall be deemed ineffective.

22 If a certification is made in violation of the provisions of  
23 this subsection, the court, upon motion or upon its own initiative,  
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1 shall impose upon the person who made the certification, the party  
2 on whose behalf the request, response or objection is made, or both,  
3 an appropriate sanction, which may include an order to pay to the  
4 amount of the reasonable expenses occasioned thereby, including a  
5 reasonable attorney fee.

6 SECTION 3. AMENDATORY 12A O.S. 2011, Section 15-121, is  
7 amended to read as follows:

8 Section 15-121. (a) No person, other than a state agency,  
9 board, or commission, shall act as a registered certification  
10 authority in this state until such person:

11 (1) Registers with the Secretary on forms approved and provided  
12 by the Secretary;

13 (2) Files with the Secretary a good and sufficient surety bond,  
14 certificate of insurance, or other evidence of financial security in  
15 the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00); and

16 (3) Meets the requirements of any rules promulgated by the  
17 Secretary.

18 (b) District and appellate court filings shall not be subject  
19 to the rules and regulations promulgated by the Secretary of State,  
20 but shall require the use of a registered certification authority or  
21 electronic signature pursuant to rules adopted by the Supreme Court.

22 (c) If a registered certification authority fails to maintain  
23 any of the qualifications listed in subsection (a) of this section,

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1 the registration of the certification authority shall be deemed  
2 lapsed.

3 (d) Any person who knowingly acts as a registered certification  
4 authority who has not met the requirements set forth in subsection  
5 (a) of this section shall, upon conviction, be guilty of a  
6 misdemeanor and shall be punished by a fine of not more than One  
7 Thousand Dollars (\$1,000.00) or up to thirty (30) days in a county  
8 jail, or both, for each violation. Each violation shall be a  
9 separate offense under this section.

10 (e) Notwithstanding any contractual provisions to the contrary,  
11 a certification authority shall be liable for damages suffered by  
12 any person injured as a result of the fraudulent or unauthorized  
13 acts of the certification authority.

14 (f) In addition to any civil or criminal actions, the Secretary  
15 or the Attorney General may apply to the district court in the  
16 county in which a violation of this section has allegedly occurred  
17 for an order enjoining or restraining the person from continuing the  
18 acts specified in the complaint. The court may grant a temporary or  
19 permanent injunction or restraining order, with or without bond, as  
20 it deems just and proper.

21 (g) The Secretary is authorized to adopt rules to implement the  
22 provisions of this section, and related provisions.

23

24

1 (h) The Secretary shall have the authority to establish  
2 reciprocity with other states and nations for purposes of this  
3 section, and related provisions.

4 SECTION 4. AMENDATORY 22 O.S. 2011, Section 1114.3, is  
5 amended to read as follows:

6 Section 1114.3 A. Upon issuing a traffic citation required to  
7 be filed in district court, the arresting officer or the law  
8 enforcement agency employing the arresting officer shall deliver or  
9 forward the "Complaint Information" and "Abstract of Court Record"  
10 parts of the citation, in electronic or written format:

11 1. To the district court clerk without the endorsement of the  
12 district attorney or an assistant district attorney. It shall be  
13 the duty of the district court clerk to deliver the "Complaint  
14 Information" to the district attorney who shall endorse or decline  
15 and file the "Complaint Information" with the district court clerk;  
16 or

17 2. If the officer has issued a citation which could result in  
18 the district attorney filing an information, to the district  
19 attorney who shall endorse or decline and file both parts of the  
20 citation with the district court clerk.

21 B. Upon receipt of a traffic citation by the district court  
22 clerk, the district court clerk shall deliver the original  
23 "Complaint Information" to the district attorney. The district  
24

1 court clerk's office shall maintain the "Abstract of Court Record"  
2 part of the citation until the final disposition of the case.

3 C. After final disposition of the case by the district  
4 attorney, including a case which is declined, the district court  
5 clerk shall clearly mark the "Abstract of Court Record" part of the  
6 citation with the disposition information of the case and forward  
7 the "Abstract of Court Record" to the Department of Public Safety,  
8 as provided in Section 18-101 of Title 47 of the Oklahoma Statutes.  
9 The "Abstract of Court Record" copy of the citation shall not be  
10 obscured by any official stamp of the district court or the district  
11 court clerk's office.

12 D. Forwarding of the "Abstract of Court Record" copy of a  
13 citation by electronic means to the Department of Public Safety  
14 shall be in a manner and format as approved by the Department, and  
15 shall include the information required by Section 18-101 of Title 47  
16 of the Oklahoma Statutes.

17 E. A traffic citation that is certified by the arresting  
18 officer, the complainant, the district attorney, or the assistant  
19 district attorney shall constitute an information against the person  
20 arrested and served with the traffic citation.

21 F. For purposes of this section, "endorsement by the district  
22 attorney" and "filing with the court clerk" may be accomplished by  
23 electronic means using any method approved for electronic filing in

1 the courts of this state. Both the "Complaint Information" and  
2 "Abstract of Court Record" parts of the citation may be forwarded  
3 to, and provided by, the district court clerk in an electronic form.  
4 Neither a paper copy of the citation, nor an original "wet ink"  
5 endorsement or signature shall be required from any party when using  
6 an approved electronic method.

7 SECTION 5. AMENDATORY 22 O.S. 2011, Section 1114.3A, is  
8 amended to read as follows:

9 Section 1114.3A A. Upon issuing a citation other than a  
10 traffic citation as provided for in Section 1114.3 of this title,  
11 that is required to be filed in district court, the arresting  
12 Highway Patrol officer or the Department of Public Safety shall  
13 deliver or forward the "Complaint Information" or "Abstract of Court  
14 Record" of the citation, in electronic or written format:

15 1. To the district court clerk without the endorsement of the  
16 district attorney or an assistant district attorney. It shall be  
17 the duty of the district court clerk to deliver the "Complaint  
18 Information" to the district attorney who shall endorse or decline  
19 and file the "Complaint Information" with the district court clerk;  
20 or

21 2. To the district attorney, if the Highway Patrol officer has  
22 issued a citation which could result in the district attorney filing  
23  
24

1 an information. The district attorney shall endorse or decline and  
2 file both parts of the citation with the district court clerk.

3 B. Upon receipt of a citation by the district court clerk, the  
4 district court clerk shall deliver the original "Complaint  
5 Information" to the district attorney. The district court clerk's  
6 office shall maintain the "Abstract of Court Record" part of the  
7 citation until the final disposition of the case.

8 C. After final disposition of the case by the district  
9 attorney, including a case which is declined, the district court  
10 clerk shall clearly mark the "Abstract of Court Record" part of the  
11 citation with the disposition information of the case and forward  
12 the "Abstract of Court Record" to the Department of Public Safety,  
13 in the same manner as for a traffic citation as prescribed in  
14 Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract  
15 of Court Record" part of the citation shall not be obscured by any  
16 official stamp of the district court or the district court clerk's  
17 office.

18 D. Forwarding of the "Abstract of Court Record" part of a  
19 citation by electronic means to the Department of Public Safety  
20 shall be allowable in a manner and format approved by the  
21 Department.

22 E. A citation that is certified by the arresting Highway Patrol  
23 officer, the district attorney or an assistant district attorney

24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 shall constitute an information against the person arrested and  
2 served with a citation.

3 F. For purposes of this section, "endorsement by the district  
4 attorney" and "filing with the court clerk" may be accomplished by  
5 electronic means using any method approved for electronic filing in  
6 the courts of this state. Both the "Complaint Information" and  
7 "Abstract of Court Record" parts of the citation may be forwarded  
8 to, and provided by, the district court clerk in an electronic form.  
9 Neither a paper copy of the citation, nor an original "wet ink"  
10 endorsement or signature shall be required from any party when using  
11 an approved electronic method.

12 SECTION 6. AMENDATORY 43 O.S. 2011, Section 9, is  
13 amended to read as follows:

14 Section 9. The judge or clerk of the district court issuing any  
15 marriage license shall make a complete record of the application,  
16 license, and certificate thereon, on an optical disc, microfilm,  
17 microfiche, imaging, ~~or~~ in a book kept by the judge or clerk for  
18 that purpose, properly indexed, or by electronic means using any  
19 method approved by the Supreme Court; and the record of the license  
20 shall be made before it is delivered to the person procuring the  
21 same, and the record of the certificate shall be made upon the  
22 return of the license; provided, that all records pertaining to the  
23 issuance of such license shall be open to public inspection during

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1 office hours; provided further, that after recording of the original  
2 license and completed certificate as hereinbefore required, it shall  
3 be returned to the persons to whom the same was issued, with the  
4 issuing officer's certificate ~~on the back thereof~~ affixed thereon  
5 showing the book and page or case number where the same has been  
6 recorded.

7 SECTION 7. AMENDATORY 51 O.S. 2011, Section 24A.29, is  
8 amended to read as follows:

9 Section 24A.29 A. Unless confidentiality is specifically  
10 required by law, any order directing the withholding or removal of  
11 pleadings or other material from a public record shall contain:

12 1. A statement that the court has determined it is necessary in  
13 the interests of justice to remove the material from the public  
14 record and in those instances where such withholding is required by  
15 law, the order shall so indicate;

16 2. Specific identification of the material which is to be  
17 withheld, removed or withdrawn from the public record, or which is  
18 to be filed but not placed in the public record; and

19 3. A requirement that any party seeking to file protected  
20 materials place such materials in a sealed manila envelope clearly  
21 marked with the caption and case number, the word "CONFIDENTIAL",  
22 and stating the date the order was entered and the name of the judge  
23 entering the order. This requirement may also be satisfied by

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1 requiring the party to file the documents pursuant to the procedure  
2 for electronically filing sealed or confidential documents approved  
3 for electronic filing in the courts of this state.

4 B. No protective order entered after the filing and  
5 microfilming of documents of any kind shall be construed to require  
6 the microfilm record of such filing to be amended in any fashion,  
7 and no other accounting entries may be affected by such order.

8 C. The party or counsel who has received the protective order  
9 shall be responsible for promptly presenting the order to  
10 appropriate supervisory court clerk personnel for action.

11 D. All documents produced or testimony given under a protective  
12 order shall be retained in the office of counsel until required by  
13 the court to be filed in the case.

14 E. Counsel for the respective parties shall be responsible for  
15 informing witnesses and other persons, as necessary, of the contents  
16 of the protective order.

17 F. When a case is filed in which a party intends to seek an  
18 order withholding removing material from the public record, the  
19 parties shall be initially designated on the petition under a  
20 pseudonym such as "John or Jane Doe", or "Roe", and the petition  
21 shall clearly indicate that the party designations are fictitious.  
22 The party seeking confidentiality or other order withholding or  
23 removing the case, in whole or in part from the public record, shall

1 immediately present application to the court, seeking instructions  
2 for the conduct of the case, including confidentiality of the  
3 records.

4 G. It shall be the duty of the party filing confidential  
5 materials with the court to remove the materials from the custody of  
6 the court clerk within sixty (60) days after dismissal or other  
7 disposition of the main case in which the materials were filed. If  
8 the party fails to remove confidential documents, the court clerk  
9 shall be authorized to destroy without notice such materials after a  
10 period of one (1) year has elapsed since the dismissal or other  
11 disposition of the main case in which materials were filed.

12 H. Municipal courts shall keep confidential all personal  
13 identifying information of the parties involved in any case in  
14 municipal court, except where such information is provided to the  
15 Oklahoma Tax Commission for purposes of collection of municipal  
16 court fees. The personal identifying information that shall be kept  
17 confidential includes the following:

- 18 1. Credit card numbers;
- 19 2. Social security numbers; and
- 20 3. Bank account numbers.

21 SECTION 8. This act shall become effective November 1, 2012.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated  
24 02/13/2012 - DO PASS, As Amended.