

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 864

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to compensation for injury; amending  
8 23 O.S. 2001, Section 61, which relates to obligation  
9 not arising from contract; requiring admission of  
10 evidence of certain compensation; limiting award of  
11 certain damages; requiring reduction of judgment  
12 under certain circumstances; requiring certain order;  
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 23 O.S. 2001, Section 61, is  
16 amended to read as follows:

17 Section 61. A. For the breach of an obligation not arising  
18 from contract, the measure of damages, except where otherwise  
19 expressly provided by ~~this chapter~~ law, is the amount which will  
20 compensate for all detriment proximately caused thereby, whether it  
21 could have been anticipated or not.

22 B. For the breach of an obligation not arising from contract,  
23 if the plaintiff receives compensation or is to receive compensation  
24 in the future for the injuries or harm that gave rise to the cause  
of action from a source wholly independent of the defendant, such

1 fact shall be admitted into evidence and the amount shall be  
2 deducted from the amount of damages that the plaintiff recovers from  
3 the defendant.

4 C. The court shall reduce any award of damages by the amount of  
5 Medicare, Medicaid or Social Security disability benefits paid or  
6 payable to the plaintiff for the plaintiff's expenses or losses,  
7 provided that the court enters an order requiring the defendant to  
8 indemnify and make whole the plaintiff for any subrogation claim  
9 made for such benefits and for reasonable costs, including attorney  
10 fees, for the indemnification claim.

11 SECTION 2. This act shall become effective November 1, 2011.

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