

1 ENGROSSED SENATE
2 BILL NO. 862

By: Sykes and Brecheen of the
Senate

3 and

4 Sullivan of the House
5

6
7 An Act relating to liability; amending 23 O.S. 2001,
8 Section 15, as amended by Section 23, Chapter 228,
9 O.S.L. 2009 (23 O.S. Supp. 2010, Section 15), which
relates to joint tortfeasor liability; modifying
certain liability; and providing an effective date.

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

13 SECTION 1. AMENDATORY 23 O.S. 2001, Section 15, as
14 amended by Section 23, Chapter 228, O.S.L. 2009 (23 O.S. Supp. 2010,
15 Section 15), is amended to read as follows:

16 Section 15. A. ~~Except as provided in subsection B of this~~
17 ~~section, in~~ In any civil action based on fault and not arising out
18 of contract, the liability for damages caused by two or more persons
19 shall be several only and a joint tortfeasor shall be liable only
20 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 ~~If at the time the incident which gave rise to the cause of~~
2 ~~action occurred, a joint tortfeasor acted with willful and wanton~~
3 ~~conduct or with reckless disregard of the consequences of the~~
4 ~~conduct and such conduct proximately caused the damages legally~~
5 ~~recoverable by the plaintiff, the liability for damages shall be~~
6 ~~joint and several as to any such tortfeasor.~~

7 C. This section shall not apply to actions brought by or on
8 behalf of the state.

9 ~~D.~~ C. The provisions of this section shall apply to all civil
10 actions based on fault and not arising out of contract that accrue
11 on or after November 1, ~~2009~~ 2011.

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

13 Passed the Senate the 28th day of February, 2011.

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15 _____
16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2011.

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21 Presiding Officer of the House
22 of Representatives
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