

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1799 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jon Echols _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1799

By: Marlatt of the Senate
and
Echols of the House

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10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to derivative actions; amending 18
12 O.S. 2011, Section 1126, which relates to derivative
13 actions; making language gender-neutral; authorizing
14 award of certain costs and fees; requiring
15 nonprevailing party to pay expenses incurred by
16 prevailing party; and providing an effective date.

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

18 SECTION 1. AMENDATORY 18 O.S. 2011, Section 1126, is
19 amended to read as follows:

20 Section 1126.

21 SHAREHOLDER'S DERIVATIVE ACTION; ALLEGATION OF STOCK OWNERSHIP

22 A. In any derivative suit instituted by a shareholder of a
23 corporation, it shall be averred in the petition that the plaintiff
24 was a shareholder of the corporation at the time of the transaction

1 of which ~~he~~ the plaintiff complains or that ~~his~~ the plaintiff's
2 stock thereafter devolved upon him or her by operation of law.

3 B. If a derivative action confers a substantial benefit upon
4 the corporation as a result of a compromise or settlement of an
5 action or claim, the court may award the plaintiff reasonable costs,
6 including reasonable attorney fees, and shall direct the plaintiff
7 to remit to the corporation the remainder of all proceeds received.

8 C. In any derivative action instituted by a shareholder or a
9 domestic or foreign corporation, the court having jurisdiction, upon
10 final judgment, shall require the nonprevailing party or parties to
11 pay the prevailing party or parties the reasonable expenses,
12 including attorney fees, taxable as costs, incurred as a result of
13 such action.

14 SECTION 2. This act shall become effective November 1, 2014.

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16 54-2-10703 EK 04/02/14
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