

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1083

By: Johnson (Rob) of the Senate

and

Jordan of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to corporate liability; amending 12
11 O.S. 2011, Section 682, which relates to judgment and
12 dismissal of petition; prohibiting certain claims
13 before specified judgments; providing certain
14 protections to members and managers of limited
15 liability companies; prohibiting certain claims
16 during specified proceedings; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 12 O.S. 2011, Section 682, is
20 amended to read as follows:

21 Section 682. A. Judgment may be given for or against one or
22 more of several plaintiffs, and for or against one or more of
23 several defendants; it may determine the ultimate rights of the
24 parties on either side, as between themselves, and it may grant to
the defendant any affirmative relief to which he may be entitled.
In an action against several defendants, the court may, in its

1 discretion, render judgment against one or more of them, leaving the
2 action to proceed against the others whenever a several judgment may
3 be proper. The court may also dismiss the petition with costs, in
4 favor of one or more defendants, in case of unreasonable neglect on
5 the part of the plaintiff to serve the summons on other defendants,
6 or proceed in the cause against the defendant or defendants served.

7 B. No suit or claim of any nature, whether based upon tort or
8 contract, shall be brought against any officer, director or
9 shareholder for any debt or liability of a corporation of which he
10 or she is an officer, director or shareholder until judgment is
11 obtained therefore against the corporation and execution thereon
12 returned unsatisfied. This provision includes, but is not limited
13 to, claims based upon alter ego, corporate veil or any other similar
14 theory. Members and managers of limited liability companies shall
15 be afforded the same substantive and procedural protection from
16 suits and claims, based upon the liability of the limited liability
17 company, as the protections provided to officers, directors and
18 shareholders of a corporation.

19 C. Any claim against an officer, director or shareholder
20 asserting liability against such officer, director or shareholder
21 for the liabilities of a corporation, or any claim against a member
22 or manager of a limited liability company for liabilities of the
23 limited liability company, shall not be tried during the same
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1 proceeding in which the issues of liability with respect to the
2 corporation are tried.

3 SECTION 2. This act shall become effective November 1, 2013.

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