

1 **CORRECTED**

2 **SENATE FLOOR VERSION**

3 February 19, 2013

4 COMMITTEE SUBSTITUTE
5 FOR
6 SENATE BILL NO. 1083

By: Johnson (Rob) of the Senate

and

Jordan of the House

8
9 [corporate liability - judgment and dismissal of
10 petition - prohibiting certain claims - providing
11 certain protections - prohibiting certain claims -
12 effective date]

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

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

16 Section 682. A. Judgment may be given for or against one or
17 more of several plaintiffs, and for or against one or more of
18 several defendants; it may determine the ultimate rights of the
19 parties on either side, as between themselves, and it may grant to
20 the defendant any affirmative relief to which he may be entitled.
21 In an action against several defendants, the court may, in its
22 discretion, render judgment against one or more of them, leaving the
23 action to proceed against the others whenever a several judgment may
24 be proper. The court may also dismiss the petition with costs, in

1 favor of one or more defendants, in case of unreasonable neglect on
2 the part of the plaintiff to serve the summons on other defendants,
3 or proceed in the cause against the defendant or defendants served.

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

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

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

24 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY

1 February 19, 2013 - DO PASS AS AMENDED

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