

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2892

By: Enns

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6 AS INTRODUCED

7 An Act relating to torts; providing that product
8 seller shall not be liable for product liability
9 claim in certain circumstances; providing that retail
10 seller of used products shall not be liable for
product liability claim in certain circumstances;
providing exceptions; providing for codification; and
providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 57.2 of Title 76, unless there
16 is created a duplication in numbering, reads as follows:

17 A. A product seller shall not be subject to liability in a
18 product liability claim arising from an alleged defect in a product,
19 if the product seller establishes that:

20 1. The seller had no knowledge of the defect;

21 2. The seller in the performance of any duties the seller
22 performed, or was required to perform, could not have discovered the
23 defect while exercising reasonable care;

1 3. The seller was not a manufacturer of the defective product
2 or product component;

3 4. The manufacturer of the defective product or product
4 component is subject to service of process either under the laws of
5 this state or the domicile of the person making the product
6 liability claim; and

7 5. Any judgment against the manufacturer obtained by the person
8 making the product liability claim would be reasonably certain of
9 being satisfied.

10 B. 1. Except as provided in paragraph 2 of this subsection, a
11 retail seller of used products shall not be subject to liability in
12 a product liability claim arising from an alleged defect in a
13 product if the product seller establishes that such seller resold
14 the product after the product was used by a consumer or other
15 product user and the product was sold in substantially the same
16 condition as it was when it was acquired for resale.

17 2. The provisions of paragraph 1 of this subsection shall not
18 apply to a claim arising out of intentional misrepresentation, an
19 alleged breach of express warranty, an alleged breach of implied
20 warranty or intentional concealment or intentional nondisclosure of
21 a condition known to the seller.

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

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24 54-2-8140 SD 12/26/13