

1 STATE OF OKLAHOMA

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

3 SENATE BILL 533

By: Loveless

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5  
6 AS INTRODUCED

7 An Act relating to frivolous lawsuits; amending 12  
8 O.S. 2011, Section 2011.1, which relates to finding  
9 of frivolous claim; requiring imposition of certain  
10 sanctions; and providing an effective date.

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

12 SECTION 1. AMENDATORY 12 O.S. 2011, Section 2011.1, is  
13 amended to read as follows:

14 Section 2011.1. In any action not arising out of contract, if  
15 requested the court shall, upon ruling on a motion to dismiss an  
16 action or a motion for summary judgment or subsequent to  
17 adjudication on the merits, determine whether a claim or defense  
18 asserted in the action by a nonprevailing party was frivolous. As  
19 used in this section, "frivolous" means the claim or defense was  
20 knowingly asserted in bad faith or without any rational argument  
21 based in law or facts to support the position of the litigant or to  
22 change existing law. Upon so finding, the court shall enter an  
23 order requiring such nonprevailing party to reimburse the prevailing  
24 party for reasonable costs, including attorney fees, incurred with

1 respect to such claim or defense. In addition, the court ~~may~~ shall  
2 impose ~~any sanction~~ sanctions authorized by Section 2011 of this  
3 title.

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

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