

1 STATE OF OKLAHOMA

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

3 SENATE BILL 968

By: Branam

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5  
6 AS INTRODUCED

7 An Act relating to oil and gas; providing  
8 requirements for certain legal actions; stating  
9 requirements prior to filing certain actions;  
10 requiring certain notice; requiring certain waiting  
11 time; authorizing negotiation; providing for  
12 codification; providing an effective date; and  
13 declaring an emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 570.16 of Title 52, unless there  
17 is created a duplication in numbering, reads as follows:

18 Notwithstanding any other provision of law, no action described  
19 in this section shall be brought or maintained unless before filing  
20 the action the party or parties bringing the action shall have  
21 complied with the following requirements of this section:

22 1. No person may start a civil action against any person  
23 alleged to be in violation of the Production Revenue Standards Act  
24 to recover either or both of interest or attorney fees unless each

1 claimant has provided written notice by certified mail of the  
2 alleged violation in accordance with this section;

3 2. The notice required under paragraph 1 of this section shall  
4 contain the following:

5 a. the name and address of the claimant and the name and  
6 address of the claimant's attorney, if any,

7 b. a concise statement of the factual basis of the claim,  
8 and

9 c. a statement of the amount of monetary damages sought  
10 by the claimant.

11 In providing a notice of claim, substantial compliance with the  
12 terms and requirements of this paragraph shall constitute valid  
13 notice of a claim. The contents of such notice shall not be  
14 admissible in any later action arising out of the claim except to  
15 prove compliance or noncompliance with this section. No person  
16 other than an expressly authorized representative may provide such  
17 notice on behalf of any other person; and

18 3. Once notice of the claim is provided, no action shall be  
19 started until after the claimant has received notice that the claim  
20 has been denied or until thirty (30) days has passed from the date  
21 of the receipt of the notice, whichever occurs first. A claim is  
22 deemed denied if the person receiving the notice fails to agree to  
23 pay the amount of the claim in its entirety, or a lesser amount as  
24 may be negotiated by the parties, within the thirty-day period and

1 pays such amount within thirty (30) days thereafter. No claimant  
2 may start an action to recover either or both of interest or  
3 attorney fees unless the claim has been denied in whole or in part.  
4 If a claim is denied or deemed denied, in whole or in part, then the  
5 commencement of any action thereon shall be deemed to have commenced  
6 upon the date of the receipt of the written notice.

7 SECTION 2. This act shall become effective July 1, 2013.

8 SECTION 3. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

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