

BILL SUMMARY
1st Session of the 54th Legislature

Bill No.:	SB404
Version:	CS
Request Number:	7861
Author:	Representative Jordan Senator Jolley
Date:	4/10/2013
Impact:	\$0

Research Analysis

SB404 creates the Personal Injury Trust Transparency Act. The measure requires plaintiffs to disclose information about all current and anticipated personal injury claims filed against a personal injury trust and attest to its completeness and accuracy within 90 days after an action for personal injury is filed; the trial date in a personal injury action would be no earlier than 180 days after the plaintiff completes the disclosure requirements. The plaintiff would have to produce a final executed proof of claim for each claim filed and provide supplemental information for each additional claim filed within 30 days. No claims of privilege may apply to trust claims materials or trust governance documents and any party may use these documents to prove alternative causation for a plaintiff's injuries or to allocate liability for a plaintiff's injury. The measure also allows a defendant to identify other personal injury trusts that the defendant in good faith believes the plaintiff can file a successful claim within 90 days before trial. For each additional or alternative personal injury trust identified, the plaintiff is required to either file a claim with the personal injury trust identified, or file a written response with the court stating reasons why there is insufficient evidence to permit the plaintiff to file a claim. Failure to provide information required under the Act may be penalized by penalties authorized in Title 12, Section 3237 of the Oklahoma Statutes.

Prepared By: Quyen Do

Fiscal Analysis

The committee substitute for Engrossed SB404 has no fiscal impact on state revenues.

Prepared By: Marilyn Anderson

Other Considerations

None.