<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1964

By: ODonnell of the House and Newberry of the Senate

Title: Civil procedure; mandating receiver liability for willful misconduct or gross negligence.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments 1 and 2; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Newberry _____

Sykes _____

Crain _____

Griffin _____

Thompson _____

Sparks _____

Floyd _____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1964 By: O'Donnell of the House

and

Newberry of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to civil procedure; amending 12 O.S. 2011, Section 1557, which relates to receivers; mandating receiver liability for willful misconduct or gross negligence; providing for actual or punitive damages; specifying payment of damages; exempting liability of court for receiver actions; allowing any party to motion for receiver discipline or removal; directing court to hold hearing within specified time; declaring civil immunity for receiver; specifying attorney receivers may be subject to discipline under the Oklahoma Rules of Professional Conduct; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 1557, is amended to read as follows:

Section 1557. A. Whenever, in the exercise of its authority, a court shall have ordered the deposit or delivery of money or other thing, and the order is disobeyed, the court, besides punishing the

disobedience as for contempt, may make an order requiring the sheriff to take the money, or thing, and deposit or deliver it, in conformity with the direction of the court.

B. A receiver shall be held liable for any actual or punitive damages otherwise recoverable for acts which constitute willful misconduct or gross negligence committed while serving as a receiver. Actual damages shall be recoverable from proceeds from any applicable bond. The receiver shall be personally liable for any actual damages in excess of the bond amount and all punitive damages. In no event shall any punitive damages be recoverable from bond proceeds. In no event shall the court be liable for any act of the receiver.

C. Any party may motion the court for the removal or discipline of a receiver for conduct that constitutes willful misconduct or gross negligence. Upon the motion, the court shall conduct a hearing on the motion within thirty (30) days and may remove the receiver for any reason, including willful misconduct or gross negligence.

D. Except for the liability specified in subsection B of this section, a receiver acting in his or her capacity as a receiver shall be immune from civil liability to the same extent as a judge acting in a judicial capacity, in addition to any other immunity provided by law. If the receiver is a member of the Oklahoma Bar

Association, the receiver may also be subject to discipline under the Oklahoma Rules of Professional Conduct.

SECTION 2. This act shall become effective July 1, 2015.

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

55-1-7533 EK 05/15/15