

1 ENGROSSED SENATE
2 BILL NO. 1264

By: Dahm of the Senate

3 and

4 McEachin of the House

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6 An Act relating to counties and county officers;
7 amending 19 O.S. 2011, Section 4, which relates to
8 status and powers of counties; modifying provisions
relating to suits or proceedings by or against a
county; and providing an effective date.

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

12 SECTION 1. AMENDATORY 19 O.S. 2011, Section 4, is
13 amended to read as follows:

14 Section 4. In all suits or proceedings by or against a county,
15 the name in which a county shall sue ~~or be sued~~ shall be, "Board of
16 County Commissioners of the County of _____," but this provision
17 shall not prevent county officers, where authorized by law, from
18 suing in their official name for the benefit of the county. Suit
19 may be brought against a county by naming a county officer
20 identified in Section 161 of this title when it is alleged that such
21 officer in his or her official capacity is directly or vicariously
22 liable to plaintiff in an action not arising in contract.
23 Otherwise, suit may be brought against a county by naming the Board
24 of County Commissioners of the County of _____; in actions against

1 the Board not arising in contract, upon motion, the Court may
2 substitute a county officer identified in Section 161 of this title
3 in his or her official capacity for the Board upon a showing that
4 such county officer is better suited to represent and defend the
5 county under the particular facts of the case.

6 SECTION 2. This act shall become effective November 1, 2018.

7 Passed the Senate the 6th day of March, 2018.

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9 _____
10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2018.

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15 Presiding Officer of the House
16 of Representatives
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