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February 13, 2018

AS AMENDED

SENATE BILL NO. 1264

By: Dahm

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

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

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

Section 4. In all suits or proceedings by or against a county, the name in which a county shall sue ~~or be sued~~ shall be, "Board of County Commissioners of the County of _____," but this provision shall not prevent county officers, where authorized by law, from suing in their official name for the benefit of the county. Suit may be brought against a county by naming a county officer identified in Section 161 of this title when it is alleged that such officer in his or her official capacity is directly or vicariously liable to plaintiff in an action not arising in contract. Otherwise, suit may be brought against a county by naming the Board 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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 February 13, 2018 - DO PASS AS AMENDED
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