

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

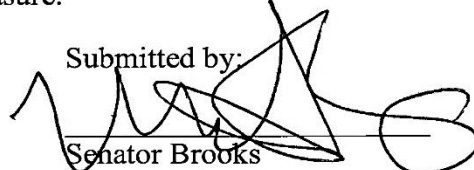
No. 1

☐ COMMITTEE AMENDMENT

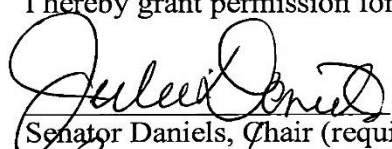
(Date)

I move to amend House Bill No. 3076, by substituting the attached floor substitute (Request # 3843) for the title, enacting clause and entire body of the measure.

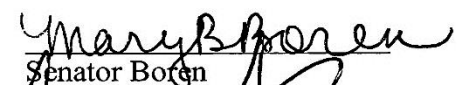
Submitted by:

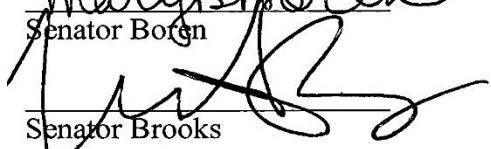
  
Senator Brooks

I hereby grant permission for the floor substitute to be adopted.

  
Senator Daniels, Chair (required)


  
Senator Howard


  
Senator Boren

  
Senator Brooks

\_\_\_\_\_  
Senator Bullard

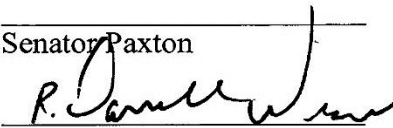
\_\_\_\_\_  
Senator Treat, President Pro Tempore

  
Senator Floyd

  
Senator Jech

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Senator Leewright

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Senator Paxton

  
Senator Weaver

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Senator McCortney, Majority Floor Leader

Note: Judiciary committee majority requires six (6) members' signatures.

Brooks-TEK-FS-HB3076

4/25/2022 12:19 PM

(Floor Amendments Only)

Date and Time Filed:

4-25-22 2:56 pm *jd*

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE  
FOR ENGROSSED

HOUSE BILL NO. 3076

By: Culver of the House

and

Brooks of the Senate

FLOOR SUBSTITUTE

An Act relating to settlements involving minors;  
creating the Oklahoma Statutory Thresholds for  
Settlements Involving Minors Act of 2022;  
establishing procedures for settlement of claims  
involving minors; authorizing a person with legal  
custody to enter into a settlement agreement on  
behalf of a minor under specified circumstances;  
directing attorney to maintain certain records;  
establishing requirements for payment of monies under  
a settlement agreement; providing for exemptions from  
liability under certain circumstances; providing for  
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 86 of Title 12, unless there is  
created a duplication in numbering, reads as follows:

1       A. This act shall be known and may be cited as the "Oklahoma  
2 Statutory Thresholds for Settlements Involving Minors Act of 2022".

3       B. A person having legal custody of a minor may enter into a  
4 settlement agreement with a party against whom the minor has a claim  
5 if:

6       1. A conservator or guardian ad litem has not been appointed  
7 for the minor;

8       2. Both the minor and the person entering into the settlement  
9 agreement on behalf of the minor are represented by an attorney  
10 licensed to practice law in this state. Such attorney may represent  
11 both parties;

12       3. The total amount of the settlement, not including  
13 reimbursement of medical expenses, liens, reasonable attorney fees,  
14 and costs of suit, is Twenty-five Thousand Dollars (\$25,000.00) or  
15 less if paid in cash, check, draft, or if paid by the purchase of a  
16 premium for an annuity;

17       4. The monies paid under the settlement agreement will be paid  
18 as set forth in subsections D and E of this section; and

19       5. The person entering into the settlement agreement on behalf  
20 of the minor completes an affidavit or verified statement that  
21 attests that the person has made a reasonable inquiry and that:

22           a. to the best of the person's knowledge, the minor will  
23               be fully compensated by the settlement, or  
24

1           b.     there is no practical way to obtain additional amounts  
2                     from the party entering into the settlement agreement  
3                     with the minor.

4           C.    The attorney representing the person entering into the  
5 settlement agreement on behalf of the minor shall maintain the  
6 affidavit or verified statement completed under paragraph 5 of  
7 subsection B of this section for two (2) years after the minor  
8 attains eighteen (18) years of age.

9           D.    The monies payable under the settlement agreement shall be  
10 paid as follows:

11          1.    If the settlement is paid in cash, by check, draft, or by  
12 direct deposit into the attorney trust account maintained pursuant  
13 to the Rules of Professional Conduct applicable to management of  
14 client trust accounts. The attorney shall deposit the monies  
15 received on behalf of the minor directly into a federally insured  
16 savings account that earns interest in the sole name of the minor,  
17 and provide notice of the deposit to the minor and the person  
18 entering into the settlement agreement on behalf of the minor.  
19 Notice shall be delivered by personal service or first-class mail;

20          2.    If paid by purchase of an annuity, by direct payment to the  
21 provider of the annuity with the minor designated as the sole  
22 beneficiary of the annuity; or

23          3.    If the minor is a ward of the state and the settlement is  
24 paid in cash, or by check or draft directly into a trust account, or

1 subaccount of a trust account, established by the department  
2 responsible for wards of the state, or similar state mechanism for  
3 the purpose of receiving monies payable to the ward under the  
4 settlement agreement and that earns interest for the benefit of the  
5 ward.

6 E. The monies in the minor's savings account, trust account, or  
7 trust subaccount established under subsection D of this section may  
8 not be withdrawn, removed, paid out, or transferred to any person  
9 including the minor, except as follows:

10 1. Pursuant to court order;

11 2. Upon the minor's attainment of eighteen (18) years of age;

12 or

13 3. Upon the minor's death.

14 F. If a settlement agreement is entered into in compliance with  
15 subsection B of this section, the signature of the person entering  
16 into the settlement agreement on behalf of the minor is binding on  
17 the minor without the need for further court approval or review and  
18 has the same force and effect as if the minor were a competent adult  
19 entering into the settlement agreement.

20 G. A person acting in good faith on behalf of a minor under  
21 this section is not liable to the minor for the monies paid in the  
22 settlement or for any other claim arising out of the settlement. A  
23 person or entity against whom a minor has a claim who settles the  
24 claim with a minor in good faith under this section shall not be

1 liable to the minor for any claim arising from the settlement of the  
2 claim.

3 SECTION 2. This act shall become effective November 1, 2022.

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5 58-2-3843 TEK 4/25/2022 5:14:11 PM

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