

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4327 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Andy Fugate _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 4327

6 By: Stearman and Roberts (Sean)

7 FLOOR SUBSTITUTE

8 An Act relating to torts; creating a private cause of
9 action; creating requirements; creating defenses to
10 action; specifying damages; prohibiting official
11 state claims; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 150 of Title 76, unless there is
16 created a duplication in numbering, reads as follows:

17 A. As used in this section:

18 1. "Communication" means the imparting or exchanging of
19 information or news;

20 2. "False information" means a statement that is known or
21 believed by its maker to be incorrect or untrue and is made with
22 intent to deceive or mislead;

23 3. "Legislator" means a person who makes law or a member of a
24 legislative body;

1 4. "Misleading information" means something is described where
2 the description gives an individual an incorrect idea or impression
3 of the item described; and

4 5. "Statewide official" means a person who works for a
5 department, state agency, trusteeship, authority, school district,
6 task force or study group supported in whole or in part by public
7 funds or administering or operating public property.

8 B. A legislator or statewide official may not knowingly convey
9 false or misleading information either through direct or indirect
10 communications.

11 C. This act shall be enforced exclusively through private civil
12 actions.

13 D. Any person, other than an officer or employee of a state or
14 local governmental entity in this state, may bring a civil action
15 against any person who:

16 1. Performs or induces in conveying false or misleading
17 information in violation of this act;

18 2. Knowingly engages in conduct that aids or abets the
19 conveyance of false or misleading information, including paying for
20 or reimbursing the costs of the false or misleading information
21 communication, if the false or misleading information communication
22 is conveyed in violation of this act, regardless of whether the
23 person knew or should have known that the false or misleading
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1 information communication would be conveyed in violation of this
2 act; or

3 3. Intends to engage in the conduct described by this act.

4 E. If a claimant prevails in an action brought under this
5 section, the court shall award:

6 1. Injunctive relief sufficient to prevent the defendant from
7 violating this act or engaging in acts that aid or abet violations
8 of this act;

9 2. Statutory damages in an amount of not less than Ten Thousand
10 Dollars (\$10,000.00) for each communication that the defendant
11 conveyed or induced in violation of this act, and for each
12 communication conveyed or induced in violation of this act that the
13 defendant aided or abetted; and

14 3. Costs and attorney fees.

15 A court may not award relief under this section in response to a
16 violation of this act if the defendant demonstrates that the
17 defendant previously paid the full amount of statutory damages in a
18 previous action for that particular false or misleading information
19 communication in violation of this act, or for the particular
20 conduct that aided or abetted in the violation of this act.

21 F. A person may bring an action under this section not later
22 than the fourth anniversary of the date the cause of action accrues.

23 G. The following are not a defense to an action brought under
24 this act:

1 1. Ignorance or mistake of law;

2 2. A defendant's belief that the requirements of this act are
3 unconstitutional or were unconstitutional;

4 3. A defendant's reliance on any court decision that has been
5 overruled on appeal or by a subsequent court, even if that court
6 decision had not been overruled when the defendant engaged in
7 conduct that violates this act;

8 4. A defendant's reliance on any state or federal court
9 decision that is not binding on the court in which the action has
10 been brought;

11 5. Nonmutual issue preclusion or nonmutual claim preclusion;

12 6. The consent of the public to the misleading or false
13 information communication; or

14 7. Any claim that the enforcement of this act or the imposition
15 of civil liability against the defendant will violate the
16 constitutional rights of third parties.

17 H. It shall be an affirmative defense if:

18 1. A person sued under this act reasonably believed, after
19 conducting a reasonable investigation, that the legislator or
20 statewide official conveying the misleading or false information
21 communication had complied or would comply with this act; or

22 2. A person sued under this act reasonably believed, after
23 conducting a reasonable investigation, that the legislator or
24

1 statewide official conveying the misleading or false information
2 communication will comply with this act.

3 The defendant shall have the burden of proving an affirmative
4 defense by a preponderance of the evidence.

5 I. Notwithstanding any other law, this state, a state official,
6 or a district may not intervene in an action brought under this
7 section. This subsection does not prohibit a person described by
8 this subsection from filing an amicus curiae brief in the action.

9 J. A court shall not award costs or attorney fees to a
10 defendant in an action brought under this act.

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

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13 58-2-10931 KN 03/08/22

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