

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2729

By: Kendrix, Maynard, Jenkins,  
Lepak, Crosswhite Hader,  
Stark and Hill of the House

and

Bergstrom of the Senate

8 An Act relating to administrative law; amending 75  
O.S. 2021, Section 318, which relates to judicial  
9 review; prohibiting deference to an agency's  
interpretation of a statute, regulation, or sub-  
10 regulatory document; prescribing a de novo review  
standard; requiring a reasonable interpretation  
11 limiting agency power in certain circumstances; and  
providing an effective date.

14 AUTHOR: Add the following Senate Coauthor: Jett

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

17 "An Act relating to the Administrative Procedures  
Act; amending 75 O.S. 2021, Section 318, which  
18 relates to judicial review; providing for timing of  
accrual of certain claim; requiring a court or an  
19 administrative hearing officer to provide de novo  
interpretation of statute, rule, or regulation;  
20 establishing guidelines for court interpretation of  
statute, rule, or regulation in certain actions;  
21 prohibiting imposition of civil penalty in certain  
actions; providing exceptions; updating statutory  
22 language; updating statutory reference; providing for  
codification; and providing an effective date.

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

2 SECTION 1. AMENDATORY 75 O.S. 2021, Section 318, is  
3 amended to read as follows:

4 Section 318. A. 1. Any party aggrieved by a final agency  
5 order in an individual proceeding is entitled to certain, speedy,  
6 adequate, and complete judicial review thereof pursuant to the  
7 provisions of this section and Sections 319, 320, 321, 322, and 323  
8 of this title.

9 2. This section shall not prevent resort to other means of  
10 review, redress, relief, or trial de novo, available because of  
11 constitutional provisions.

12 3. Neither a motion for new trial nor an application for  
13 rehearing shall be prerequisite to secure judicial review.

14 4. A claim under the Administrative Procedures Act accrues when  
15 any plaintiff properly joined in the action has the right to assert  
16 the claim in court, which at the earliest shall be the date the  
17 party is aggrieved by final agency action.

18 B. 1. The judicial review prescribed by this section for final  
19 agency orders, as to agencies whose final agency orders are made  
20 subject to review, under constitutional or statutory provisions, by  
21 appellate proceedings in the Supreme Court ~~of Oklahoma~~, shall be  
22 afforded by such proceedings taken in accordance with the procedure  
23 and under the conditions otherwise provided by law, but subject to  
24

1 the applicable provisions of Sections 250.5 and 319 through ~~324~~ 323  
2 of this title, and the rules of the Supreme Court.

3 2. In all other instances, proceedings for review shall be  
4 instituted by filing a petition, in the district court of the county  
5 in which the party seeking review resides or at the option of such  
6 party where the property interest affected is situated, naming as  
7 respondents only the agency, such other party or parties in the  
8 administrative proceeding as may be named by the petitioner or as  
9 otherwise may be allowed by law, within thirty (30) days after the  
10 appellant is notified of the final agency order as provided in  
11 Section 312 of this title.

12 C. Copies of the petition shall be delivered in person or  
13 mailed, postage prepaid, to the agency and all other parties of  
14 record, and proof of such delivery or mailing shall be filed in the  
15 court within ten (10) days after the filing of the petition. Any  
16 party not named as a respondent in the petition is entitled to  
17 respond within ten (10) days of receipt of service. The court, in  
18 its discretion, may permit other interested persons to intervene.

19 D. In any proceedings for review brought by a party aggrieved  
20 by a final agency order:

21 1. The agency whose final agency order was made subject to  
22 review may be entitled to recover against such aggrieved party any  
23 court costs, witness fees, and reasonable attorney fees if the court  
24

1 determines that the proceeding brought by the party is frivolous or  
2 was brought to delay the effect of ~~said~~ the final agency order.

3 2. The party aggrieved by the final agency order may be  
4 entitled to recover against such agency any court costs, witness  
5 fees, and reasonable attorney fees if the court determines that the  
6 proceeding brought by the agency is frivolous.

7 E. In the interpretation of a state statute, administrative  
8 rule, or other regulation, the reviewing court or officer hearing an  
9 administrative action shall not defer to the interpretation of a  
10 state agency and shall interpret the meaning and effect de novo. In  
11 an action brought by or against a state agency, after applying all  
12 customary tools of interpretation, the court or hearing officer  
13 shall exercise any remaining doubt in favor of a reasonable  
14 interpretation which limits agency power and maximizes individual  
15 liberty.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 321.1 of Title 75, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. No civil penalty may be awarded in an action brought by or  
20 on behalf of an administrative agency of this state against any  
21 person or legal entity for conduct that would also be the subject of  
22 a suit at common law in which the defendant would be entitled to  
23 trial by jury before a court established under the Oklahoma  
24 Constitution, except after a trial by jury before such court.

1 B. The provisions of subsection A of this section shall not  
2 apply to a summary judgment rendered in compliance with Title 12 of  
3 the Oklahoma Statutes and any precedents establishing the standards  
4 for summary judgment. Such requirement shall not apply to a civil  
5 case in a court proceeding in equity jurisdiction that, prior to the  
6 passage of this act, did not involve a right to a trial by jury  
7 before a court established under the Oklahoma Constitution.

8 SECTION 3. This act shall become effective November 1, 2025."

9 Passed the Senate the 5th day of May, 2025.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2025.

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16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives  
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7 An Act relating to administrative law; amending 75  
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9 review; prohibiting deference to an agency's  
10 interpretation of a statute, regulation, or sub-  
11 regulatory document; prescribing a de novo review  
12 standard; requiring a reasonable interpretation  
13 limiting agency power in certain circumstances; and  
14 providing an effective date.

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

16 SECTION 4. AMENDATORY 75 O.S. 2021, Section 318, is  
17 amended to read as follows:

18 Section 318. A. 1. Any party aggrieved by a final agency  
19 order in an individual proceeding is entitled to certain, speedy,  
20 adequate and complete judicial review thereof pursuant to the  
21 provisions of this section and Sections 319, 320, 321, 322 and 323  
22 of this title.

23 2. This section shall not prevent resort to other means of  
24 review, redress, relief or trial de novo, available because of  
constitutional provisions.

1        3. Neither a motion for new trial nor an application for  
2 rehearing shall be prerequisite to secure judicial review.

3        B. 1. The judicial review prescribed by this section for final  
4 agency orders, as to agencies whose final agency orders are made  
5 subject to review, under constitutional or statutory provisions, by  
6 appellate proceedings in the Supreme Court of Oklahoma, shall be  
7 afforded by such proceedings taken in accordance with the procedure  
8 and under the conditions otherwise provided by law, but subject to  
9 the applicable provisions of Sections 319 through 324 of this title,  
10 and the rules of the Supreme Court.

11        2. In all other instances, proceedings for review shall be  
12 instituted by filing a petition, in the district court of the county  
13 in which the party seeking review resides or at the option of such  
14 party where the property interest affected is situated, naming as  
15 respondents only the agency, such other party or parties in the  
16 administrative proceeding as may be named by the petitioner or as  
17 otherwise may be allowed by law, within thirty (30) days after the  
18 appellant is notified of the final agency order as provided in  
19 Section 312 of this title.

20        C. Copies of the petition shall be delivered in person or  
21 mailed, postage prepaid, to the agency and all other parties of  
22 record, and proof of such delivery or mailing shall be filed in the  
23 court within ten (10) days after the filing of the petition. Any  
24 party not named as a respondent in the petition is entitled to

1 respond within ten (10) days of receipt of service. The court, in  
2 its discretion, may permit other interested persons to intervene.

3 D. In any proceedings for review brought by a party aggrieved  
4 by a final agency order:

5 1. The agency whose final agency order was made subject to  
6 review may be entitled to recover against such aggrieved party any  
7 court costs, witness fees and reasonable attorney fees if the court  
8 determines that the proceeding brought by the party is frivolous or  
9 was brought to delay the effect of said final agency order.

10 2. The party aggrieved by the final agency order may be  
11 entitled to recover against such agency any court costs, witness  
12 fees, and reasonable attorney fees if the court determines that the  
13 proceeding brought by the agency is frivolous.

14 E. In interpreting a state statute, regulation, or other sub-  
15 regulatory document, a state court, examiner, or an officer hearing  
16 an administrative action shall not defer to a state agency's  
17 interpretation of the applicable statute, regulation, or sub-  
18 regulatory document, and shall interpret the meaning and effect of  
19 the statute, regulation, or sub-regulatory document de novo. In  
20 actions brought by or against state agencies, after applying all  
21 customary tools of interpretation, the court, hearing examiner, or  
22 hearing officer shall exercise any remaining doubt in favor of a  
23 reasonable interpretation that limits agency power and maximizes  
24 individual liberty.



SECTION 5. This act shall become effective November 1, 2025.

Passed the House of Representatives the 3rd day of March, 2025.

Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer of the Senate