

An Act

ENROLLED HOUSE
BILL NO. 2729

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

and

Bergstrom and Jett of the
Senate

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

SUBJECT: Administrative Procedures Act

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

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

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

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

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

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

B. 1. The judicial review prescribed by this section for final agency orders, as to agencies whose final agency orders are made subject to review, under constitutional or statutory provisions, by appellate proceedings in the Supreme Court ~~of Oklahoma~~, shall be afforded by such proceedings taken in accordance with the procedure and under the conditions otherwise provided by law, but subject to the applicable provisions of Sections 250.5 and 319 through ~~324~~ 323 of this title, and the rules of the Supreme Court.

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 14th day of May, 2025.

Presiding Officer of the House
of Representatives

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

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____