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April 22, 2025

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2729

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

and

Bergstrom 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 reference; providing for codification; and providing an effective date.

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,

1 adequate, and complete judicial review thereof pursuant to the
2 provisions of this section and Sections 319, 320, 321, 322, and 323
3 of this title.

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

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

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

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

21 2. In all other instances, proceedings for review shall be
22 instituted by filing a petition, in the district court of the county
23 in which the party seeking review resides or at the option of such
24 party where the property interest affected is situated, naming as

1 respondents only the agency, such other party or parties in the
2 administrative proceeding as may be named by the petitioner or as
3 otherwise may be allowed by law, within thirty (30) days after the
4 appellant is notified of the final agency order as provided in
5 Section 312 of this title.

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

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

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

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

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

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

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
5 April 22, 2025 - DO PASS AS AMENDED BY CS
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