

1 **SENATE FLOOR VERSION**

2 February 19, 2026

3 **AS AMENDED**

4 SENATE BILL NO. 1716

5 By: Howard of the Senate

6 and

7 Gise of the House

8 An Act relating to the Security Breach Notification
9 Act; amending 24 O.S. 2021, Section 165, as amended
10 by Section 4, Chapter 406, O.S.L. 2025 (24 O.S. Supp.
11 2025, Section 165), which relates to enforcement;
12 prohibiting class action liability for private entity
13 for **security breach**; providing exceptions; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 24 O.S. 2021, Section 165, as
17 amended by Section 4, Chapter 406, O.S.L. 2025 (24 O.S. Supp. 2025,
18 Section 165), is amended to read as follows:

19 Section 165. A. A violation of the Security Breach
20 Notification Act that results in injury or loss to residents of this
21 state may be enforced by the Attorney General or a district attorney
22 in the same manner as an unlawful practice under the Oklahoma
23 Consumer Protection Act.

24 B. Except as provided in subsection D of this section, the
Attorney General or a district attorney shall have exclusive

1 authority to bring an action and may obtain actual damages for a
2 violation of the Security Breach Notification Act and a civil
3 penalty not to exceed One Hundred Fifty Thousand Dollars
4 (\$150,000.00) per breach of the security of the system or series of
5 breaches of a similar nature that are determined in a single
6 investigation. Civil penalties shall be based upon the magnitude of
7 the breach, the extent to which the behavior of the individual or
8 entity contributed to the breach, and any failure to provide the
9 notice required by Section 163 of this title.

10 C. 1. An individual or entity that uses reasonable safeguards
11 and provides notice as required by Section 163 or 164 of this title
12 shall not be subject to civil penalties and may use such compliance
13 as an affirmative defense in a civil action filed under the Security
14 Breach Notification Act.

15 2. An individual or entity that fails to use reasonable
16 safeguards but provides notice as required by Section 163 or 164 of
17 this title shall not be subject to the civil penalty set forth in
18 subsection B of this section but shall be subject to actual damages
19 and a civil penalty of Seventy-five Thousand Dollars (\$75,000.00).

20 3. A private entity shall not be liable in a class action
21 resulting from a **breach of the security of a system** unless such
22 **breach** was caused by the willful and wanton conduct or gross
23 negligence of the private entity.

24

1 D. A violation of the Security Breach Notification Act by a
2 state-chartered or state-licensed financial institution shall be
3 enforceable exclusively by the primary state regulator of the
4 financial institution.

5 SECTION 2. This act shall become effective November 1, 2026.

6 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY AND TELECOMMUNICATIONS
7 February 19, 2026 - DO PASS AS AMENDED
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