

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1716

By: Howard

AS INTRODUCED

An Act relating to the Security Breach Notification Act; amending 24 O.S. 2021, Section 165, as amended by Section 4, Chapter 406, O.S.L. 2025 (24 O.S. Supp. 2025, Section 165), which relates to enforcement; prohibiting class action liability for private entity for cybersecurity event; providing exceptions; and providing an effective date.

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

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

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

B. Except as provided in subsection D of this section, the Attorney General or a district attorney shall have exclusive authority to bring an action and may obtain actual damages for a

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

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

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

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

23 D. A violation of the Security Breach Notification Act by a
24 state-chartered or state-licensed financial institution shall be

1 enforceable exclusively by the primary state regulator of the
2 financial institution.

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

4
5 60-2-2726 TEK 1/14/2026 11:31:24 AM
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25