

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2932

By: Tedford

AS INTRODUCED

An Act relating to damages; amending Section 10, Chapter 311, O.S.L. 2025 (23 O.S. Supp. 2025, Section 61.3), which relates to economic and noneconomic loss compensation for bodily injury claims; establishing limitation on award; limiting recovery of bodily injury and property damage for failure to comply with mandatory liability insurance; establishing which party shall be held liable for court costs; clarifying act does not affect subrogation rights; clarifying claimant's insurer shall have rights to recover certain sums; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 10, Chapter 311, O.S.L. 2025 (23 O.S. Supp. 2025, Section 61.3), is amended to read as follows:

Section 61.3. A. As used in this section:

1. "Bodily injury" means actual physical injury to the body of a person and sickness or disease resulting therefrom;
2. "Economic damages" means any type of pecuniary harm including, but not limited to:

- a. all wages, salaries, or other compensation lost as a result of a bodily injury that is the subject of a civil action,
- b. all costs incurred for medical care or treatment, rehabilitation services, or other care, treatment, services, products, or accommodations as a result of a bodily injury that is the subject of a civil action, or
- c. any other costs incurred as a result of a bodily injury that is the subject of a civil action;

3. "Fraudulent" or "fraud" means "actual fraud" as defined pursuant to Section 58 of Title 15 of the Oklahoma Statutes;

4. "Gross negligence" means the want of slight care and diligence;

5. "Malice" involves hatred, spite, or ill will, or the doing of a wrongful act intentionally without just cause or excuse;

6. "Noneconomic damages" means nonpecuniary harm that arises from a bodily injury that is the subject of a civil action, including damages for:

- a. pain and suffering,
- b. loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education,
- c. disfigurement,

1 d. mental anguish, and

2 e. any other intangible loss; and

3 7. "Reckless disregard of another's rights" shall have the same
4 meaning as willful and wanton conduct and shall mean that the
5 defendant was either aware, or did not care, that there was a
6 substantial and unnecessary risk that his, her, or its conduct would
7 cause serious injury to others. In order for the conduct to be in
8 reckless disregard of another's rights, it must have been
9 unreasonable under the circumstances and there must have been a high
10 probability that the conduct would cause serious harm to another
11 person.

12 B. In any civil action arising from a claimed bodily injury,
13 the amount of compensation which the trier of fact may award a
14 plaintiff for economic loss shall not be subject to any limitation
15 other than the limitation on damages in Section 2 of this act.

16 C. 1. Except as provided in paragraph 2 of this subsection, in
17 any civil action arising from a claimed bodily injury, the amount of
18 compensation which a trier of fact may award a plaintiff for
19 noneconomic loss shall not exceed Five Hundred Thousand Dollars
20 (\$500,000.00), regardless of the number of parties against whom the
21 action is brought or the number of actions brought.

22 2. If the trier of fact finds that a plaintiff has suffered
23 permanent and severe physical injury, including a substantial
24 physical abnormality or disfigurement, loss of use of a limb, or

1 loss of or substantial impairment to a major body organ or system,
2 or an injury of any type that renders the plaintiff incapable of
3 being able to independently care for himself or herself or perform
4 life-sustaining activities, there shall be no limit on the amount of
5 compensation that a trier of fact may award the plaintiff for
6 noneconomic loss.

7 D. If the trier of fact finds that a plaintiff has suffered a
8 permanent mental injury that itself severely impairs the plaintiff's
9 ability to be employed or enjoy a reasonable standard of living, the
10 amount of compensation that a trier of fact may award a plaintiff
11 for noneconomic loss shall not exceed One Million Dollars
12 (\$1,000,000.00), regardless of the number of parties against whom
13 the action is brought or the number of actions brought.

14 E. Notwithstanding subsection C or D of this section, there
15 shall be no limit on the amount of noneconomic damages that the
16 trier of fact may award the plaintiff in a civil action arising from
17 a claimed bodily injury resulting from negligence if the judge and
18 jury find, by clear and convincing evidence, that the defendant's
19 acts or failures to act were:

- 20 1. In reckless disregard for the rights of others;
- 21 2. Grossly negligent;
- 22 3. Fraudulent; or
- 23 4. Intentional or with malice.

1 F. In the trial of a civil action arising from claimed bodily
2 injury, if the verdict is for the plaintiff, the court, in a nonjury
3 trial, shall make findings of fact, and the jury, in a trial by
4 jury, shall return a general verdict accompanied by answers to
5 interrogatories, which shall specify all of the following:

6 1. The total compensatory damages recoverable by the plaintiff;

7 2. That portion of the total compensatory damages representing
8 the plaintiff's economic loss;

9 3. That portion of the total compensatory damages representing
10 the plaintiff's noneconomic loss; and

11 4. If alleged, whether the conduct of the defendant was or
12 amounted to:

13 a. reckless disregard for the rights of others,

14 b. gross negligence,

15 c. fraud, or

16 d. intentional or malicious conduct.

17 G. This section shall not apply to actions brought under The
18 Governmental Tort Claims Act or actions brought pursuant to Section
19 7 of Article XXIII of the Oklahoma Constitution.

20 H. This section shall apply to injuries occurring on or after
21 the effective date of this act.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 61.4 of Title 23, unless there
24 is created a duplication in numbering, reads as follows:

1 A. There shall be no recovery for the first One Hundred
2 Thousand Dollars (\$100,000.00) of bodily injury and no recovery for
3 the first One Hundred Thousand Dollars (\$100,000.00) of property
4 damage based on any cause or right of action arising out of a motor
5 vehicle accident, for such injury or damages occasioned by an owner
6 or operator of a motor vehicle involved in such accident who fails
7 to own or maintain liability insurance in compliance with Section 7-
8 601 of Title 47 of the Oklahoma Statutes.

9 B. If the owner of a motor vehicle, who fails to own or
10 maintain liability insurance in compliance with Section 7-601 of
11 Title 47 of the Oklahoma Statutes, institutes an action to recover
12 damages in any amount, regardless of whether such owner or operator
13 is at fault, and is awarded an amount equal to or less than One
14 Hundred Thousand Dollars (\$100,000.00) of bodily injury, then such
15 owner or operator shall be assessed and held liable for all court
16 costs incurred by all parties to the action.

17 C. 1. Notwithstanding any provision of law to the contrary, no
18 insurer shall lose any rights of subrogation for claims paid under
19 the applicable insurance policy for the recovery of any sum in
20 excess of the first One Hundred Thousand Dollars (\$100,000.00) of
21 bodily injury and the first One Hundred Thousand Dollars
22 (\$100,000.00) of property damages;

23 2. In claims where no suit is filed, the claimant's insurer
24 shall have all rights to recover any amount paid by the claimant's

1 insurer on behalf of the insured for the recovery of any sum in
2 excess of the first One Hundred Thousand Dollars (\$100,000.00) of
3 bodily injury and the first One Hundred Thousand Dollars
4 (\$100,000.00) of property damages.

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

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