

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 20, 2025

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB453

By: Howard of the Senate and Harris of the House

Title: Civil procedure; modifying procedures for offers of judgment. Effective date

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments
2. That the attached Conference Committee Substitute (Request #2119) be adopted.


Respectfully submitted,

SENATE CONFEREES:


Howard


Paxton
Daniels


Rader


Rosine


Pugh


Kirt

HOUSE CONFEREES:

Conference Committee on Judiciary and Public Safety Oversight

Senate Action _____ Date _____ House Action _____ Date _____

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 453

By: Howard of the Senate

and

Harris of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to civil actions; creating the Oklahoma Expedited Actions Act; providing short title; providing for application of expedited actions process; establishing limitation for certain judgments; prescribing procedures for removal of case from expedited actions process; establishing discovery procedures for certain process; requiring setting of trial date within certain time period; prescribing time limits for trial; defining term; authorizing referral to alternative dispute resolution; establishing procedures related to challenging admissibility of expert testimony; amending 12 O.S. 2021, Section 2702, which relates to expert testimony; modifying requirements to qualify certain expert testimony; defining terms; prohibiting limitation on award for economic loss; establishing limitation on award for noneconomic loss for certain injuries; providing exceptions; establishing limitation on award for noneconomic loss for injuries causing certain mental incapacity; providing exceptions for limitations due to certain acts of defendant; requiring findings of fact or general verdict to specify certain information; specifying applicability of provisions; repealing 23 O.S. 2021, Section 61.2, which relates to bodily injury economic and noneconomic loss compensation; providing for codification; and providing an effective date.

1
2 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

3 SECTION 1. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1775 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 Sections 1 through 8 of this act shall be known and may be cited
7 as the "Oklahoma Expedited Actions Act".

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1776 of Title 12, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The expedited actions process provided for in this act shall
12 apply to a suit in which all claimants, other than counter-
13 claimants, affirmatively plead that they seek only monetary relief
14 aggregating Two Hundred Fifty Thousand Dollars (\$250,000.00) or
15 less, excluding interest, statutory or punitive damages and
16 penalties, and attorney fees and costs.

17 B. In no event may a party who brings a suit under this act
18 recover a judgment in excess of Two Hundred Fifty Thousand Dollars
19 (\$250,000.00), excluding interest, statutory or punitive damages and
20 penalties, and attorney fees and costs.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1777 of Title 12, unless there
23 is created a duplication in numbering, reads as follows:
24

1 A. A court shall remove a suit from the expedited actions
2 process:

3 1. On motion and a showing of good cause by any party; or

4 2. If any claimant, other than a counter-claimant, files a
5 pleading or an amended or supplemental pleading that seeks any
6 relief other than the monetary relief allowed by Section 2 of this
7 act.

8 B. A pleading, amended pleading, or supplemental pleading that
9 removes a suit from the expedited actions process may not be filed
10 without leave of court unless it is filed before the earlier of
11 thirty (30) days after the discovery period is closed or thirty (30)
12 days before the date is set for trial. Leave to amend may be
13 granted only if good cause for filing the pleading outweighs any
14 prejudice to an opposing party.

15 C. If a suit is removed from the expedited actions process, the
16 court shall reopen discovery.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1778 of Title 12, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Every case that follows the expedited actions process shall
21 be governed by the discovery control plan provided for in this
22 section. Discovery shall be subject to the limitations provided for
23 in Section 3226 of Title 12 of the Oklahoma Statutes and to the
24 following additional limitations:

1 1. In a suit not governed by Title 43 of the Oklahoma Statutes,
2 all discovery shall be conducted during the discovery period, which
3 begins when the first initial disclosures are due and continues for
4 one hundred eighty (180) days. In a suit governed by Title 43 of
5 the Oklahoma Statutes, all discovery shall be conducted during the
6 discovery period, which begins when the suit is filed and continues
7 until one hundred eighty (180) days after the first request for
8 discovery of any kind is served on a party;

9 2. Each party shall have no more than twenty (20) hours in
10 total to examine and cross-examine all witnesses in oral
11 depositions. The court may modify the deposition hours so that no
12 party is given unfair advantage;

13 3. Any party may serve on any other party no more than fifteen
14 written interrogatories, excluding interrogatories asking a party
15 only to identify or authenticate specific documents. Each discrete
16 subpart of an interrogatory is considered a separate interrogatory;

17 4. Any party may serve on any other party no more than fifteen
18 written requests for production. Each discrete subpart of a request
19 for production is considered a separate request for production; and

20 5. Any party may serve on any other party no more than fifteen
21 written requests for admissions. Each discrete subpart of a request
22 for admission is considered a separate request for admission.

23 B. If a suit is removed from the expedited actions process or,
24 in a divorce, the filing of a pleading renders this section no

1 longer applicable, the discovery period shall reopen and discovery
2 shall be completed within the limitations provided in Section 3226
3 of Title 12 of the Oklahoma Statutes. Any person previously deposed
4 may be redeposed. On motion of any party, the court should continue
5 the trial date if necessary to permit completion of discovery.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1779 of Title 12, unless there
8 is created a duplication in numbering, reads as follows:

9 Upon request of any party, the court shall set the case for a
10 trial date that is within ninety (90) days after the discovery
11 period ends. The court may continue the case twice, not to exceed a
12 total of sixty (60) days.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1780 of Title 12, unless there
15 is created a duplication in numbering, reads as follows:

16 A. 1. Each side shall be allowed no more than eight (8) hours
17 to complete jury selection, opening statements, presentation of
18 evidence, examination and cross-examination of witnesses, and
19 closing arguments. On motion and a showing of good cause by any
20 party, the court may extend the time limit to no more than twelve
21 (12) hours per side.

22 2. For purposes of this subsection, "side" means one or more
23 litigants who have common interests on the matters with which the
24

1 jury is concerned, and is not synonymous with "party", "litigant",
2 or "person".

3 B. Time spent on objections, bench conferences, bills of
4 exception, and challenges for cause to a juror shall not be included
5 in the time limit set forth in subsection A of this section.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1781 of Title 12, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Unless the parties have agreed not to engage in alternative
10 dispute resolution, the court may refer the case to an alternative
11 dispute resolution procedure once. Such procedure shall:

12 1. Not exceed a half-day in duration, excluding scheduling
13 time;

14 2. Not exceed a total cost of twice the amount of applicable
15 civil filing fees; and

16 3. Be completed no later than sixty (60) days before the
17 initial trial setting.

18 B. The court shall consider objections to referral to
19 alternative dispute resolution unless prohibited by statute.

20 C. The parties may agree to engage in alternative dispute
21 resolution other than that provided for in subsection A of this
22 section.

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SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1782 of Title 12, unless there is created a duplication in numbering, reads as follows:

Unless requested by the party sponsoring the expert, a party may only challenge the admissibility of expert testimony as an objection to summary judgment evidence during a pretrial conference or during the trial on the merits. The requirements of this section shall not apply to a motion to strike for late designation.

SECTION 9. AMENDATORY 12 O.S. 2021, Section 2702, is amended to read as follows:

Section 2702. If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise, if the proponent demonstrates to the court that it is more likely than not that:

1. The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

2. The testimony is based upon sufficient facts or data;

~~2.~~ 3. The testimony is the product of reliable principles and methods; and

1 ~~3.~~ 4. The ~~witness has applied~~ expert's opinion reflects a
2 reliable application of the principles and methods ~~reliably~~ to the
3 facts of the case.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 61.3 of Title 23, unless there
6 is created a duplication in numbering, reads as follows:

7 A. As used in this section:

8 1. "Bodily injury" means actual physical injury to the body of
9 a person and sickness or disease resulting therefrom;

10 2. "Economic damages" means any type of pecuniary harm
11 including, but not limited to:

12 a. all wages, salaries, or other compensation lost as a
13 result of a bodily injury that is the subject of a
14 civil action,

15 b. all costs incurred for medical care or treatment,
16 rehabilitation services, or other care, treatment,
17 services, products, or accommodations as a result of a
18 bodily injury that is the subject of a civil action,
19 or

20 c. any other costs incurred as a result of a bodily
21 injury that is the subject of a civil action;

22 3. "Fraudulent" or "fraud" means "actual fraud" as defined
23 pursuant to Section 58 of Title 15 of the Oklahoma Statutes;
24

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

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

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

8 a. pain and suffering,

9 b. loss of society, consortium, companionship, care,
10 assistance, attention, protection, advice, guidance,
11 counsel, instruction, training, or education,

12 c. disfigurement

13 d. mental anguish, and

14 e. any other intangible loss; and

15 7. "Reckless disregard of another's rights" shall have the same
16 meaning as willful and wanton conduct and shall mean that the
17 defendant was either aware, or did not care, that there was a
18 substantial and unnecessary risk that his, her, or its conduct would
19 cause serious injury to others. In order for the conduct to be in
20 reckless disregard of another's rights, it must have been
21 unreasonable under the circumstances and there must have been a high
22 probability that the conduct would cause serious harm to another
23 person.

24

1 B. In any civil action arising from a claimed bodily injury,
2 the amount of compensation which the trier of fact may award a
3 plaintiff for economic loss shall not be subject to any limitation.

4 C. 1. Except as provided in paragraph 2 of this subsection, in
5 any civil action arising from a claimed bodily injury, the amount of
6 compensation which a trier of fact may award a plaintiff for
7 noneconomic loss shall not exceed Five Hundred Thousand Dollars
8 (\$500,000.00), regardless of the number of parties against whom the
9 action is brought or the number of actions brought.

10 2. If the trier of fact finds that a plaintiff has suffered
11 permanent and severe physical injury, including a substantial
12 physical abnormality or disfigurement, loss of use of a limb, or
13 loss of or substantial impairment to a major body organ or system,
14 or an injury of any type that renders the plaintiff incapable of
15 being able to independently care for himself or herself or perform
16 life-sustaining activities, there shall be no limit on the amount of
17 compensation that a trier of fact may award the plaintiff for
18 noneconomic loss.

19 D. If the trier of fact finds that a plaintiff has suffered a
20 permanent mental injury that itself severely impairs the plaintiff's
21 ability to be employed or enjoy a reasonable standard of living, the
22 amount of compensation that a trier of fact may award a plaintiff
23 for noneconomic loss shall not exceed One Million Dollars
24

1 (\$1,000,000.00), regardless of the number of parties against whom
2 the action is brought or the number of actions brought.

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

- 9 1. In reckless disregard for the rights of others;
- 10 2. Grossly negligent;
- 11 3. Fraudulent; or
- 12 4. Intentional or with malice.

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

- 18 1. The total compensatory damages recoverable by the plaintiff;
- 19 2. That portion of the total compensatory damages representing
20 the plaintiff's economic loss;
- 21 3. That portion of the total compensatory damages representing
22 the plaintiff's noneconomic loss; and
- 23 4. If alleged, whether the conduct of the defendant was or
24 amounted to:

- a. reckless disregard for the rights of others,
- b. gross negligence,
- c. fraud, or
- d. intentional or malicious conduct.

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

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

SECTION 11. REPEALER 23 O.S. 2021, Section 61.2, is hereby repealed.

SECTION 12. This act shall become effective September 1, 2025.

60-1-2119 TEK 5/21/2025 8:51:02 AM