

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1065 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mark Lepak _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1065

By: Howard of the Senate

and

Lepak of the House

7
8
9 PROPOSED POLICY COMMITTEE SUBSTITUTE

10 An Act relating to damages; amending 23 O.S. 2021,
11 Section 61.2, which relates to limitation on damages
12 for bodily injury; increasing maximum amount of
13 award for noneconomic loss; removing judgment
14 procedure required after certain findings are made;
15 removing limitation on information provided to
16 juries; and providing an effective date.

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

18 SECTION 1. AMENDATORY 23 O.S. 2021, Section 61.2, is
19 amended to read as follows:

20 Section 61.2. A. In any civil action arising from a claimed
21 bodily injury, the amount of compensation which the trier of fact
22 may award a plaintiff for economic loss shall not be subject to any
23 limitation.

24 B. Except as provided in subsection C of this section, in any
civil action arising from a claimed bodily injury, the amount of

1 compensation which a trier of fact may award a plaintiff for
2 noneconomic loss shall not exceed ~~Three Hundred Fifty Thousand~~
3 ~~Dollars (\$350,000.00)~~ Five Hundred Thousand Dollars (\$500,000.00),
4 regardless of the number of parties against whom the action is
5 brought or the number of actions brought.

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

- 12 1. In reckless disregard for the rights of others;
- 13 2. Grossly negligent;
- 14 3. Fraudulent; or
- 15 4. Intentional or with malice.

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

- 21 1. The total compensatory damages recoverable by the plaintiff;
- 22 2. That portion of the total compensatory damages representing
23 the plaintiff's economic loss;

24

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

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

5 a. reckless disregard for the rights of others,

6 b. gross negligence,

7 c. fraud, or

8 d. intentional or malicious conduct.

9 ~~E. In any civil action to recover damages arising from claimed~~
10 ~~bodily injury, after the trier of fact makes the findings required~~
11 ~~by subsection D of this section, the court shall enter judgment in~~
12 ~~favor of the plaintiff for economic damages in the amount determined~~
13 ~~pursuant to paragraph 2 of subsection D of this section, and subject~~
14 ~~to paragraph 4 of subsection D of this section, the court shall~~
15 ~~enter a judgment in favor of the plaintiff for noneconomic damages.~~
16 ~~Except as provided in subsection C of this section, in no event~~
17 ~~shall a judgment for noneconomic damages exceed the maximum~~
18 ~~recoverable amounts set forth in subsection B of this section.~~
19 ~~Subsection B of this section shall be applied in a jury trial only~~
20 ~~after the trier of fact has made its factual findings and~~
21 ~~determinations as to the amount of the plaintiff's damages.~~

22 ~~F. In any civil action arising from claimed bodily injury which~~
23 ~~is tried to a jury, the jury shall not be instructed with respect to~~
24 ~~the limit on noneconomic damages set forth in subsection B of this~~

1 ~~section, nor shall counsel for any party nor any witness inform the~~
2 ~~jury or potential jurors of such limitations.~~

3 ~~G.~~ This section shall not apply to actions brought under The
4 Governmental Tort Claims Act or actions ~~for wrongful death~~ brought
5 pursuant to Section 7 of Article XXIII of the Oklahoma Constitution.

6 ~~H.~~ F. As used in this section:

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

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

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

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

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

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

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

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

3 6. "Noneconomic damages" means nonpecuniary harm that arises
4 from a bodily injury that is the subject of a civil action,
5 including damages for pain and suffering, loss of society,
6 consortium, companionship, care, assistance, attention, protection,
7 advice, guidance, counsel, instruction, training, education,
8 disfigurement, mental anguish and any other intangible loss; and

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

18 ~~F.~~ G. This section shall apply to civil actions filed on or
19 after ~~November 1, 2011~~ November 1, 2025.

20 SECTION 2. This act shall become effective November 1, 2025.

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