

1 ENGROSSED SENATE  
2 BILL NO. 1065

By: Howard of the Senate

3 and

4 Lepak of the House

5  
6 [ damages - noneconomic loss compensation -  
7 provisions - effective date ]  
8

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

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

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

16 B. Except as provided in subsection C of this section, in any  
17 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 ~~Three Hundred Fifty Thousand~~  
20 ~~Dollars (\$350,000.00)~~ Five Hundred Thousand Dollars (\$500,000.00),  
21 regardless of the number of parties against whom the action is  
22 brought or the number of actions brought.

23 C. Notwithstanding subsection B of this section, there shall be  
24 no limit on the amount of noneconomic damages which the trier of

1 fact may award the plaintiff in a civil action arising from a  
2 claimed bodily injury resulting from negligence if the judge and  
3 jury finds, by clear and convincing evidence, that the defendant's  
4 acts or failures to act were:

- 5 1. In reckless disregard for the rights of others;
- 6 2. Grossly negligent;
- 7 3. Fraudulent; or
- 8 4. Intentional or with malice.

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

- 14 1. The total compensatory damages recoverable by the plaintiff;
- 15 2. That portion of the total compensatory damages representing  
16 the plaintiff's economic loss;
- 17 3. That portion of the total compensatory damages representing  
18 the plaintiff's noneconomic loss; and
- 19 4. If alleged, whether the conduct of the defendant was or  
20 amounted to:
  - 21 a. reckless disregard for the rights of others,
  - 22 b. gross negligence,
  - 23 c. fraud, or
  - 24 d. intentional or malicious conduct.

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

14 F. In any civil action arising from claimed bodily injury which  
15 is tried to a jury, the jury shall not be instructed with respect to  
16 the limit on noneconomic damages set forth in subsection B of this  
17 section, nor shall counsel for any party nor any witness inform the  
18 jury or potential jurors of such limitations.

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

22 H. As used in this section:

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

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

3           a. all wages, salaries or other compensation lost as a  
4 result of a bodily injury that is the subject of a  
5 civil action,

6           b. all costs incurred for medical care or treatment,  
7 rehabilitation services, or other care, treatment,  
8 services, products or accommodations as a result of a  
9 bodily injury that is the subject of a civil action,  
10 or

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

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

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

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

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

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

10 I. This section shall apply to civil actions filed on or after  
11 ~~November 1, 2011~~ November 1, 2025.

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

13 Passed the Senate the 24th day of March, 2025.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2025.

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Presiding Officer of the House  
of Representatives

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