

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1065

By: Howard

AS INTRODUCED

An Act relating to damages; amending 23 O.S. 2021, Section 61.2, which relates to limitation on noneconomic loss compensation; increasing maximum limitation on compensation for noneconomic loss; clarifying applicability of provisions; updating statutory references; and providing an effective date.

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

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

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

B. Except as provided in subsection C of this section, in any civil action arising from a claimed bodily injury, the amount of compensation which a trier of fact may award a plaintiff for noneconomic loss shall not exceed ~~Three Hundred Fifty Thousand Dollars (\$350,000.00)~~ Five Hundred Thousand Dollars (\$500,000.00),

1 regardless of the number of parties against whom the action is
2 brought or the number of actions brought.

3 C. Notwithstanding subsection B of this section, there shall be
4 no limit on the amount of noneconomic damages which the trier of
5 fact may award the plaintiff in a civil action arising from a
6 claimed bodily injury resulting from negligence if the judge and
7 jury finds, 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 D. 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.

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

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

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

4 H. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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