

1 **SENATE FLOOR VERSION**

2 February 26, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 484

5 By: Dahm

6 An Act relating to counties and county officers;
7 amending 19 O.S. 2011, Section 4, which relates to
8 status and power of counties; modifying means by
9 which lawsuits may be brought against a county; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 19 O.S. 2011, Section 4, is
13 amended to read as follows:

14 Section 4. In all suits or proceedings by or against a county,
15 the name in which a county shall sue or be sued shall be, "Board of
16 County Commissioners of the County of _____," but this provision
17 shall not prevent county officers, where authorized by law, from
18 suing in their official name for the benefit of the county. Suit
19 may be brought against a county by naming a county officer
20 identified in Section 161 of this title when it is alleged that such
21 officer in his or her official capacity is directly or vicariously
22 liable to plaintiff in an action not arising out of contract.
23 Otherwise, suit may be brought against a county by naming the Board
24 of County Commissioners of the County of _____ ; in actions against

1 the Board not **arising out of** contract, upon motion, the Court may
2 substitute a county officer identified in Section 161 of this title
3 in his or her official capacity for the Board upon a showing that
4 such county officer is better suited to represent and defend the
5 county under the particular facts of the case.

6 SECTION 2. This act shall become effective November 1, 2019.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 February 26, 2019 - DO PASS AS AMENDED
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