

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 97

By: Floyd of the Senate

3 and

4 Stinson of the House

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7 An Act relating to the Dispute Resolution Act;
8 amending 12 O.S. 2021, Section 1805, which relates to
9 confidentiality of proceedings; clarifying
information not subject to disclosure; and providing
an effective date.

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12 AMENDMENT NO. 1. Page 1, Line 19, strike the word "No" and insert
13 the following language:

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14 "Other than a mediator's report to the court, no"

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1 Passed the House of Representatives the 27th day of April, 2023.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 97

By: Floyd of the Senate

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5
6 An Act relating to the Dispute Resolution Act;
7 amending 12 O.S. 2021, Section 1805, which relates to
8 confidentiality of proceedings; clarifying
9 information not subject to disclosure; and providing
10 an effective date.

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

12 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1805, is
13 amended to read as follows:

14 Section 1805. A. Any information received by a mediator or a
15 person employed to assist a mediator, through files, reports,
16 interviews, memoranda, case summaries, or notes and work products of
17 the mediator, is privileged and confidential.

18 B. No part of the proceeding shall be considered a matter of
19 public record.

20 C. No mediator, initiating party, or responding party in a
21 mediation proceeding shall be subject to administrative or judicial
22 process requiring disclosure of any matters discussed or shall
23 disclose any information obtained during any part of the mediation
24 proceedings including but not limited to mediation scheduling,
attendance, participation, or discussion of any proposed settlement

1 agreement, items agreed upon or disputed, or the intent of the
2 parties.

3 D. Each mediation session shall be informal. No adjudication
4 sanction or penalty may be made or imposed by the mediator or the
5 program.

6 E. No mediator, employee, or agent of a mediator shall be held
7 liable for civil damages for any statement or decision made in the
8 process of mediating or settling a dispute unless the action of such
9 person was a result of gross negligence with malicious purpose or in
10 a manner exhibiting willful disregard of the rights, safety, or
11 property of any party to the mediation.

12 F. If a party who has participated in mediation brings an
13 action for damages against a mediator arising out of mediation, for
14 purposes of that action the privilege provided for in subsection A
15 of this section shall be deemed to be waived as to the party
16 bringing the action.

17 SECTION 2. This act shall become effective November 1, 2023.

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1 Passed the Senate the 20th day of March, 2023.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives