

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1562

By: Duel

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to courts; amending 20 O.S. 2021,
10 Section 91.7, which relates to business court
11 division; modifying language to create a business
12 court division in certain municipalities; amending 20
13 O.S. 2021, Section 92.1A, which relates to
14 compensation for judicial officers; providing salary
15 for business court judges; amending 20 O.S. 2021,
16 Section 95.1, which relates to places of holding
17 district court; excluding business courts from
18 requirement of holding court in every county;
19 amending 20 O.S. 2021, Section 125, as amended by
20 Section 2, Chapter 271, O.S.L. 2022 (20 O.S. Supp.
21 2024, Section 125), which relates to the office of
22 secretary-bailiff; providing business court judges
23 with secretary-bailiff and law clerk; providing for
24 appointment of business court judges; providing
 requirements to be a business court judge; providing
 term limits; providing business court jurisdiction to
 hear certain cases; prohibiting business courts from
 hearing certain cases; providing for establishing
 proper venue; providing for transfer and removal;
 providing for time limit on nonjury trials; providing
 where business courts shall be quartered; providing
 filing fee; providing electronic filing; providing
 for codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 20 O.S. 2021, Section 91.7, is
2 amended to read as follows:

3 Section 91.7. A. The Oklahoma Legislature finds that, due to
4 the complex nature of litigation involving highly technical
5 commercial issues, there is a need for a court in Oklahoma's most
6 populated counties with specific jurisdiction over actions involving
7 such commercial issues.

8 B. ~~The Supreme Court is authorized to create~~ There is hereby
9 created a business court division within the district court of any
10 judicial district containing a municipality with a population in
11 excess of ~~three hundred thousand (300,000)~~ five hundred thousand
12 (500,000), according to the latest Federal Decennial Census.

13 C. ~~The Supreme Court shall promulgate rules for the~~
14 ~~establishment and jurisdiction of the business court divisions~~ Each
15 business court division created shall hereinafter be categorized and
16 named numerically. Business Court Division I shall be located in
17 Oklahoma County. Business Court Division II shall be located in
18 Tulsa County.

19 SECTION 2. AMENDATORY 20 O.S. 2021, Section 92.1A, is
20 amended to read as follows:

21 Section 92.1A. For fiscal year 2021 and each fiscal year
22 thereafter, except as otherwise provided by the Board on Judicial
23 Compensation after the effective date of this act, the following
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1 judicial officers shall receive compensation for their services,
2 payable monthly as follows:

3 1. A judge of the district court shall receive an annual salary
4 of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars
5 (\$145,567.00);

6 2. An associate district judge shall receive an annual salary
7 of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars
8 (\$134,261.00); ~~and~~

9 3. A special judge shall receive an annual salary of One
10 Hundred Twenty-two Thousand Nine Hundred Fifty-four Dollars
11 (\$122,954.00); and

12 4. A business court judge shall receive an annual salary equal
13 to that of an Oklahoma district court judge.

14 SECTION 3. AMENDATORY 20 O.S. 2021, Section 95.1, is
15 amended to read as follows:

16 Section 95.1. A. Unless and until the Supreme Court or the
17 Presiding Judge of the judicial administrative district provides
18 otherwise, and excluding any business courts established pursuant to
19 Section 91.7 of this title, the District Court shall hold court in
20 the county seat of every county in the district, in any city where a
21 Superior Court held sessions and at such other places within the
22 district as the district and associate district judges shall
23 prescribe.

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1 B. If a governing board of the Court Fund receives a request
2 from a municipality that court be held within that municipality and
3 the board determines that sufficient reasons exist for establishing
4 a court and that sufficient funds and space for a court are made
5 available by the municipality, the board may establish a court,
6 presided over by a special judge, in that municipality. The request
7 to hold court in a municipality shall be included in the budget
8 submitted by the governing board of the Court Fund to the Chief
9 Justice of the Supreme Court and approved by the Chief Justice.

10 SECTION 4. AMENDATORY 20 O.S. 2021, Section 125, as
11 amended by Section 2, Chapter 271, O.S.L. 2022 (20 O.S. Supp. 2024,
12 Section 125), is amended to read as follows:

13 Section 125. A. In all counties of the state there is created
14 the office of secretary-bailiff for district judges and associate
15 district judges, and a secretary-bailiff for business court judges,
16 with each such secretary-bailiff to be appointed by order of the
17 district judge ~~or,~~ associate district judge, or business court judge
18 to serve at the will of the appointing judge as an unclassified
19 employee of the state exempt from the provisions of the Oklahoma
20 Merit System of Personnel Administration. The Chief Justice shall
21 approve by administrative directive the number and assignments of
22 secretary-bailiffs in all counties of the state. Each secretary-
23 bailiff shall be paid a salary pursuant to the salary schedule
24 established by the annual appropriation for the district courts and

1 in accordance with the job description for the position to which
2 appointed. For fiscal year 2023 and each fiscal year thereafter,
3 each secretary-bailiff shall receive an annual salary of Forty-two
4 Thousand Dollars (\$42,000.00). In each county for which a business
5 court sits, the presiding business court judge shall appoint a law
6 clerk to serve at the will of the appointing business court judge as
7 an unclassified employee exempt from the provisions of the Oklahoma
8 Merit System of Personnel Administration. In every county of the
9 state each district judge and each associate district judge,
10 including business court judges, may by order appoint additional
11 necessary court personnel subject to the approval of the Chief
12 Justice. A part-time bailiff shall be paid out of the court fund of
13 the county where appointed at the rate set by administrative
14 directive for each hour that such person actually attends the court
15 and performs services, or a pro rata fraction thereof for less than
16 an hour of service. Notwithstanding any other provision of law,
17 each district judge ~~and,~~ associate district judge, and business
18 court judge may contract with the sheriff of the county to allow a
19 deputy sheriff to provide bailiff service to the court.

20 B. With the approval of the presiding judge, a special judge
21 may appoint a secretary-bailiff or other personnel in accordance
22 with the administrative order of the Chief Justice.

23 C. No judge shall engage more than one full-time secretary-
24 bailiff at any given time except only during the progress of a jury

1 trial, when a part-time bailiff may be engaged subject to the
2 approval of the Chief Justice. In the latter event, no more than
3 one additional bailiff shall be engaged to take charge of the jury.
4 The costs of meals and lodging of bailiffs ordered to keep a jury
5 together during the process of a trial or after the jury retires for
6 deliberation shall be lawfully paid from the court fund.

7 D. A district judge who sits regularly in more than one county
8 may employ only one full-time secretary-bailiff in the judicial
9 district of the judge, and in any other county of the district the
10 judge may engage a bailiff only on a part-time basis when such judge
11 sits in the county as a judge pursuant to the procedures set forth
12 by the Chief Justice in the administrative directive. The cost of
13 the operation of the office of a district judge of a multi-county
14 judicial district, including the purchase of equipment and supplies,
15 may be apportioned among the counties of that judicial district, or
16 appropriate division of that district, based upon the percentage of
17 revenue collected by the courts of the district.

18 E. The Administrative Director of the Courts shall develop and
19 promulgate job descriptions, salary schedules and time-keeping forms
20 for part-time bailiff personnel. The Chief Justice of the Oklahoma
21 Supreme Court, through the Office of the Administrative Director of
22 the Courts, shall promulgate rules for the compensation for overtime
23 for all secretary-bailiff and part-time bailiff personnel employed.

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1 F. Persons employed by a county that does not meet the
2 requirements of Section 951 of Title 19 of the Oklahoma Statutes,
3 and who serve as full-time secretary-bailiffs or full-time bailiffs
4 shall be eligible to participate in the state retirement system and
5 state insurance programs and any other benefits as are provided to
6 state employees in the unclassified service. All part-time bailiff
7 personnel shall be compensated by the local court fund.

8 G. On October 1, 1989, the position of full-time bailiff shall
9 be redesignated as the position of secretary-bailiff in accordance
10 with the job descriptions, salary schedules, and procedures approved
11 by the Chief Justice. Additional secretary-bailiff positions shall
12 be created as funding and employee positions are available.
13 Counties shall be allowed to provide additional support personnel to
14 the judges sitting in such counties to the extent that funding is
15 available.

16 H. Any secretary-bailiff, who is CLEET-certified as a basic
17 peace officer, shall have and exercise all the powers and authority
18 of a peace officer. The Office of the Administrative Director of
19 the Courts shall promulgate rules which prescribe the duties for all
20 CLEET-certified secretary-bailiffs. The provisions of this
21 subsection will not entitle a CLEET-certified secretary-bailiff to
22 participate in the Oklahoma Police Pension and Retirement System.

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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 91.7b of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Joint Committee on Judicial
5 Vacancy Appointments. The Committee shall be responsible for
6 providing the Governor with a list of five nominees for judicial
7 appointment to each business court. The Governor shall appoint one
8 of the five nominees to the business court to preside as the
9 business court judge. The Committee shall consist of ten (10)
10 members, to be appointed as follows:

11 1. Five members of the Senate to be appointed by the President
12 Pro Tempore of the Oklahoma State Senate. Four of the members shall
13 be from the majority party and one member shall be from the minority
14 party; and

15 2. Five members of the Oklahoma House of Representatives to be
16 appointed by the Speaker of the House of Representatives. Four of
17 the members shall be from the majority party and one member shall be
18 from the minority party;

19 B. The chairman and vice-chairman of the Committee shall be
20 designated from the membership of the Committee by the Speaker of
21 the House of Representatives and the President Pro Tempore of the
22 Senate as provided for in this subsection. The President Pro
23 Tempore of the Senate shall designate the initial chairman who shall
24 serve until the convening of the First Regular Session of the 61st

1 Oklahoma Legislature. The Speaker of the House of Representatives
2 shall designate the initial vice-chairman who shall serve until the
3 convening of the First Regular Session of the 61st Oklahoma
4 Legislature. Thereafter, the chairmanship shall alternate every two
5 (2) years between the House of Representatives and the Senate,
6 beginning with the convening of the First Regular Session of the
7 Legislature.

8 C. All members of the Committee shall serve at the pleasure of
9 the appointing authority.

10 D. All actions of the Committee shall require a quorum which
11 shall be defined as a majority of the members appointed.

12 E. Staff for the Committee shall be provided by the House of
13 Representatives and Senate from their existing staff.

14 F. A business court judge shall serve a term of eight (8)
15 years, beginning September 1 of every even-numbered year and may be
16 reappointed except as otherwise provided by this subsection. The
17 first business court judge appointed to Business Court Division II
18 shall serve a term of four (4) years beginning September 1 of every
19 even-numbered year and may be reappointed. A business court judge
20 shall take the constitutional oath of office required of appointed
21 officers of this state and file the oath with the Secretary of
22 State. If a vacancy occurs in an office of a business court judge,
23 in the same manner as the original appointment, another person shall
24 be appointed to serve for the remainder of the unexpired term. In

1 the event that the docket of a business court judge exceeds
2 reasonable capacity, a district court judge may sit in designation
3 temporarily as a business court judge to assist in caseload
4 management. The designated district court judge shall have the same
5 authority as the business court judge in relation to the cases
6 assigned to them during such designation.

7 G. Each business court judge must meet the following
8 requirements:

- 9 1. Be at least thirty-five (35) years of age;
- 10 2. Be a United States citizen; and
- 11 3. Be a licensed attorney in good standing in this state who
12 has ten (10) or more years of experience in practicing complex civil
13 business litigation, practicing business transaction law, serving as
14 a judge of a court in this state with civil jurisdiction, or a
15 combination of experience described by this paragraph.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 91.7c of Title 20, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Except as provided for by subsection F of this section, and
20 notwithstanding the amount in controversy, each business court shall
21 have the authority to exercise jurisdiction and the powers of a
22 court of equity, where equitable relief is requested in claims:

- 23 1. Pursuant to the Oklahoma Uniform Arbitration Act, Section
24 1851 et seq. of Title 12 of the Oklahoma Statutes;

- 1 2. Pursuant to the Oklahoma Uniform Trade Secrets Act, Section
2 85 et seq. of Title 78 of the Oklahoma Statutes;
- 3 3. Pursuant to the Oklahoma Uniform Securities Act of 2004,
4 Section 1-101 et seq. of Title 71 of the Oklahoma Statutes;
- 5 4. Pursuant to the Oklahoma Uniform Commercial Code, Section 1-
6 101 et seq. of Title 12A of the Oklahoma Statutes;
- 7 5. Pursuant to the Oklahoma General Corporation Act, Section
8 1001 et seq. of Title 18 of the Oklahoma Statutes;
- 9 6. Pursuant to the Oklahoma Revised Uniform Partnership Act,
10 Section 1-100 et seq. of Title 54 of the Oklahoma Statutes;
- 11 7. Pursuant to the Oklahoma Uniform Limited Partnership Act of
12 2010, Section 500-101A, et seq. of Title 54 of the Oklahoma
13 Statutes;
- 14 8. Pursuant to the Oklahoma Limited Liability Company Act,
15 Section 2000 et seq. of Title 18 of the Oklahoma Statutes;
- 16 9. Shareholder and unitholder derivative actions;
- 17 10. That relate to the internal affairs of businesses,
18 including, but not limited to, rights or obligations between or
19 among business participants regarding the liability or indemnity of
20 business participants, officers, directors, managers, trustees,
21 controlling shareholders or members, or partners;
- 22 11. Arising under federal law over which courts of this state
23 have concurrent jurisdiction;
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1 12. Where the complaint includes a professional malpractice
2 claim arising out of a business dispute;

3 13. Involving tort claims between or among two or more business
4 entities or individuals as to their business or investment
5 activities relating to contracts, transactions, or relationships
6 between or among such entities or individuals;

7 14. For breach of contract, fraud, or misrepresentation between
8 businesses arising out of business transactions or relationships;

9 15. Arising from e-commerce agreements; technology licensing
10 agreements, including, but not limited to, software and
11 biotechnology license agreements; or any other agreement involving
12 the licensing of any intellectual property right, including, but not
13 limited to, an agreement relating to patent rights;

14 16. Involving commercial real property; and

15 17. Involving claims that present sufficiently complex
16 commercial issues that would have significant implications for the
17 larger business community, including but not limited to, cases with
18 subject matter that technically would render the case "excluded"
19 pursuant to subsection F of this section, as recommended by the
20 business court judge and as determined within the discretion of the
21 Chief Justice.

22 B. Where any other relief is requested, the amount in
23 controversy shall be at least Five Hundred Thousand Dollars
24 (\$500,000.00) for claims under subsection A of this section and Five

1 Hundred Thousand Dollars (\$500,000.00) for claims in complex cases.

2 As used in this section, a "complex case" means an action that
3 requires exceptional judicial management to avoid placing
4 unnecessary burdens on the court or the litigants and to expedite
5 the case, keep costs reasonable, and promote effective decision
6 making by the court, the parties, and counsel. In deciding whether
7 an action is a complex case, the court must consider, among other
8 things, whether the action is likely to involve:

9 1. Numerous hearings, pretrial and dispositive motions raising
10 difficult or novel legal issues that will be time-consuming to
11 resolve;

12 2. Management of a large number of witnesses or a substantial
13 amount of documentary evidence;

14 3. Management of a large number of separately represented
15 parties;

16 4. Multiple expert witnesses;

17 5. Coordination with related actions pending in one or more
18 courts in other counties, states, or countries, or in a federal
19 court;

20 6. Substantial post judgment judicial supervision; or

21 7. Legal or technical issues of complexity.

22 C. An action is provisionally a complex case if it involves one
23 or more of the following types of claims:

24 1. Antitrust or trade regulation claims;

1 2. Intellectual property matters, such as trade secrets,
2 copyrights, or patents;

3 3. Construction defect claims involving many parties or
4 structures;

5 4. Securities claims or investment losses involving many
6 parties;

7 5. Environmental or toxic tort claims involving many parties;

8 6. Product liability claims;

9 7. Claims involving mass torts;

10 8. Claims involving class actions;

11 9. Ownership or control of business claims; or

12 10. Insurance coverage claims arising out of any complex case
13 described in paragraphs 1 through 9 of this subsection.

14 D. Each business court shall have supplemental jurisdiction
15 over all pending claims that are so related to the claims in cases
16 provided for under subsection A of this section that such pending
17 claims form part of the same case or controversy.

18 E. Each business court shall exercise such other powers, not
19 contrary to the Constitution, as are or may be given to such a court
20 by law.

21 F. A business court shall not have authority to exercise
22 jurisdiction over claims arising under federal or state law, as
23 applicable, involving:

24 1. Residential landlord and tenant disputes;

1 2. To the extent not a business dispute, cases arising under
2 the Oklahoma Deceptive Trade Practices Act, Section 53 of Title 78
3 of the Oklahoma Statutes;

4 3. Cases arising under the Oklahoma Consumer Protection Act,
5 Section 751 et seq. of Title 15 of the Oklahoma Statutes;

6 4. Personal injury and wrongful death actions;

7 5. Matters involving domestic relations;

8 6. Matters arising under Title 58 of the Oklahoma Statutes
9 relating to probate;

10 7. Matters by or against any governmental entity, political
11 subdivision, arising under Title 19 of the Oklahoma Statutes, or
12 arising under The Oklahoma Governmental Tort Claims Act;

13 8. Foreclosures;

14 9. Individual consumer claims or transactions involving a
15 retail customer of goods or services who uses or intends to use such
16 goods or services primarily for personal, family, or household
17 purposes; provided, however, that this paragraph shall not be
18 construed to preclude the court from exercising jurisdiction over
19 mass actions or class actions involving such individual consumer
20 claims;

21 10. Collections in matters involving a corporation or other
22 entity subject to the Oklahoma farming and ranching statutes or an
23 individual farmer; or

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1 11. Cases that would generally be considered consumer
2 transactions or human relation matters.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 91.7d of Title 20, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Except as provided in subsection B of this section, actions
7 shall be brought before the business court as follows:

8 1. An action within the jurisdiction of the business court may
9 be filed in the business court. The filing party shall plead facts
10 sufficient to establish venue in a county in a division of the
11 business court. Venue may be established as provided by law or, if
12 a written contract specifies a county as venue for the action, as
13 provided by the contract;

14 2. If the business court determines it does not have
15 jurisdiction over the action, the business court shall:

16 a. transfer the action to a district court in a county
17 with jurisdiction over the action, or

18 b. dismiss the action without prejudice to the rights of
19 the parties; and

20 3. If the business court determines that the venue is improper
21 as to the action, the business court shall transfer the action to
22 the court of proper venue.

23 B. 1. A district court in this state may transfer an action to
24 the business court division of proper venue if the district court

1 judge determines the business court has subject matter jurisdiction
2 over the action.

3 2. A party to an action filed in a district court that is
4 within the jurisdiction of the business court may remove the action
5 to the business court. If the business court does not have
6 jurisdiction of the action, the business court shall remand the
7 action to the court in which the action was originally filed.

8 C. A party to an action filed in a district court of proper
9 venue that is not within an operating division of the business
10 court, or the judge of the court in which the action is filed, shall
11 not remove or transfer the action to the business court.

12 D. A party may file an agreed notice of removal to the business
13 court at any time during the pendency of the action. If all parties
14 to the action have not agreed to remove the action, the notice of
15 removal shall be filed:

16 1. Not later than thirty (30) days after the date the party
17 requesting removal of the action discovered, or reasonably should
18 have discovered, facts establishing the business court's
19 jurisdiction over the action; or

20 2. If an application for temporary injunction is pending on the
21 date the party requesting removal of the action discovered, or
22 reasonably should have discovered, facts establishing the business
23 court's jurisdiction over the action, not later than thirty (30)

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1 days after the date the application is granted, denied, or denied as
2 a matter of law.

3 E. The notice of removal shall be filed with the business court
4 and the district court in which the action was originally filed. On
5 receipt of the notice, the clerk of the court in which the action
6 was originally filed shall immediately transfer the action to the
7 business court in accordance with the Oklahoma Pleading Code,
8 Section 2001 et seq. of Title 12 of the Oklahoma Statutes, and the
9 court clerk shall assign the action to the appropriate division of
10 the business court.

11 F. Unless otherwise provided in this section, all pleadings
12 shall be governed by the Oklahoma Pleading Code.

13 SECTION 8. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 91.7e of Title 20, unless there
15 is created a duplication in numbering, reads as follows:

16 Nonjury trials in a business court shall be resolved within
17 twelve (12) months of the filing of the action. The twelve-month
18 disposition schedule may be extended if both parties agree to a
19 longer resolution period. Such an extension shall be agreed upon in
20 writing by all parties and approved by the court.

21 SECTION 9. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 91.7f of Title 20, unless there
23 is created a duplication in numbering, reads as follows:

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1 Business Court Division I shall be quartered in Oklahoma City at
2 the Oklahoma Court of Civil Appeals. Business Court Division II
3 shall be quartered in Tulsa at the Oklahoma Court of Civil Appeals.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 91.7g of Title 20, unless there
6 is created a duplication in numbering, reads as follows:

7 A fee of Two Thousand Five Hundred Dollars (\$2,500.00) shall be
8 charged and collected by the court clerk at the time of filing any
9 lawsuit in a business court division established pursuant to Section
10 1 of this act. A fee of Fifty Dollars (\$50.00) shall be charged and
11 collected at the time of filing by the court clerk for any motion
12 thereafter filed within the same lawsuit.

13 SECTION 11. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 91.7h of Title 20, unless there
15 is created a duplication in numbering, reads as follows:

16 The Supreme Court is authorized to provide for electronic filing
17 of documents in Oklahoma business courts. The Administrative Office
18 of the Courts shall promulgate rules for the filing of documents
19 transmitted by electronic device. Rules for electronic filing must
20 have the approval of the Supreme Court.

21 SECTION 12. This act shall become effective November 1, 2025.
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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
24 OVERSIGHT, dated 03/04/2025 - DO PASS, As Amended.