SENATE BILL NO. 1065   By: Howard

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)~~ <u>Five Hundred Thousand Dollars ($500,000.00)</u>,

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:

1   a.   reckless disregard for the rights of others,

2   b.   gross negligence,

3   c.   fraud, or

4   d.   intentional or malicious conduct.

5   E.   In any civil action to recover damages arising from claimed

6 bodily injury, after the trier of fact makes the findings required

7 by subsection D of this section, the court shall enter judgment in

8 favor of the plaintiff for economic damages in the amount determined

9 pursuant to paragraph 2 of subsection D of this section, and subject

10 to paragraph 4 of subsection D of this section, the court shall

11 enter a judgment in favor of the plaintiff for noneconomic damages.

12 Except as provided in subsection C of this section, in no event

13 shall a judgment for noneconomic damages exceed the maximum

14 recoverable amounts set forth in subsection B of this section.

15 Subsection B of this section shall be applied in a jury trial only

16 after the trier of fact has made its factual findings and

17 determinations as to the amount of the plaintiff's damages.

18   F.   In any civil action arising from claimed bodily injury which

19 is tried to a jury, the jury shall not be instructed with respect to

20 the limit on noneconomic damages set forth in subsection B of this

21 section, nor shall counsel for any party nor any witness inform the

22 jury or potential jurors of such limitations.

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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.

19   COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
     February 11, 2025 - DO PASS

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