

1 **SENATE FLOOR VERSION**

2 February 19, 2025

3 SENATE BILL NO. 918

By: Bergstrom of the Senate

4 and

5 Kendrix of the House

6
7 An Act relating to the Administrative Procedures Act;
8 amending 75 O.S. 2021, Section 318, which relates to
9 judicial review; requiring certain statutes and rules
to be interpreted in certain manner; updating
statutory language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 75 O.S. 2021, Section 318, is
13 amended to read as follows:

14 Section 318. A. 1. Any party aggrieved by a final agency
15 order in an individual proceeding is entitled to certain, speedy,
16 adequate, and complete judicial review thereof pursuant to the
17 provisions of this section and Sections 319, 320, 321, 322, and 323
18 of this title.

19 2. This section shall not prevent resort to other means of
20 review, redress, relief, or trial de novo, available because of
21 constitutional provisions.

22 3. Neither a motion for new trial nor an application for
23 rehearing shall be prerequisite to secure judicial review.

1 B. 1. The judicial review prescribed by this section for final
2 agency orders, as to agencies whose final agency orders are made
3 subject to review, under constitutional or statutory provisions, by
4 appellate proceedings in the Supreme Court of Oklahoma, shall be
5 afforded by such proceedings taken in accordance with the procedure
6 and under the conditions otherwise provided by law, but subject to
7 the applicable provisions of Sections 319 through 324 of this title,
8 and the rules of the Supreme Court.

9 2. In all other instances, proceedings for review shall be
10 instituted by filing a petition, in the district court of the county
11 in which the party seeking review resides or at the option of such
12 party where the property interest affected is situated, naming as
13 respondents only the agency, such other party or parties in the
14 administrative proceeding as may be named by the petitioner or as
15 otherwise may be allowed by law, within thirty (30) days after the
16 appellant is notified of the final agency order as provided in
17 Section 312 of this title.

18 C. Copies of the petition shall be delivered in person or
19 mailed, postage prepaid, to the agency and all other parties of
20 record, and proof of such delivery or mailing shall be filed in the
21 court within ten (10) days after the filing of the petition. Any
22 party not named as a respondent in the petition is entitled to
23 respond within ten (10) days of receipt of service. The court, in
24 its discretion, may permit other interested persons to intervene.

1 D. In any proceedings for review brought by a party aggrieved
2 by a final agency order:

3 1. The agency whose final agency order was made subject to
4 review may be entitled to recover against such aggrieved party any
5 court costs, witness fees, and reasonable attorney fees if the court
6 determines that the proceeding brought by the party is frivolous or
7 was brought to delay the effect of ~~said~~ the final agency order.

8 2. The party aggrieved by the final agency order may be
9 entitled to recover against such agency any court costs, witness
10 fees, and reasonable attorney fees if the court determines that the
11 proceeding brought by the agency is frivolous.

12 E. In the interpretation of a state statute, administrative
13 rule, or other regulation, the reviewing court or officer hearing an
14 administrative action shall not defer to the interpretation of a
15 state agency and shall interpret the meaning and effect de novo. In
16 an action brought by or against a state agency, after applying all
17 customary tools of interpretation, the court or hearing officer
18 shall exercise any remaining doubt in favor of a reasonable
19 interpretation which limits agency power and maximizes individual
20 liberty.

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

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