

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1115

By: Daniels

AS INTRODUCED

An Act relating to nuisances; amending 50 O.S. 2021, Sections 2, 8, and 10, which relate to public nuisances, remedies, and civil action; prohibiting certain acts from being deemed public nuisance; clarifying applicable remedies in certain civil actions; requiring certain determination for liability in certain action; requiring determination of proximate cause for maintenance of certain action; and providing an effective date.

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

SECTION 1. AMENDATORY 50 O.S. 2021, Section 2, is amended to read as follows:

Section 2. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal. The manufacturing, marketing, and selling of lawful products shall not be deemed a public nuisance.

SECTION 2. AMENDATORY 50 O.S. 2021, Section 8, is amended to read as follows:

1 Section 8. A. The remedies against a public nuisance are:

2 1. Indictment or information, ~~or~~;

3 2. A civil action, ~~or~~ seeking injunctive or other equitable
4 relief; or

5 3. Abatement~~.~~.

6 B. To be found liable in an action for public nuisance, the
7 defendant in such an action must be determined by the court to have
8 been in control of the conditions giving rise to the nuisance at the
9 time of injury.

10 SECTION 3. AMENDATORY 50 O.S. 2021, Section 10, is
11 amended to read as follows:

12 Section 10. A private person may maintain an action for a
13 public nuisance if ~~it~~ the court determines by clear and convincing
14 evidence that the nuisance is specially injurious the proximate
15 cause of special injury to himself the private person, but not
16 otherwise.

17 SECTION 4. This act shall become effective November 1, 2025.

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