

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1562

By: Duel

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5
6 AS INTRODUCED

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

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

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

Section 91.7. A. The Oklahoma Legislature finds that, due to
the complex nature of litigation involving highly technical

1 commercial issues, there is a need for a court in Oklahoma's most
2 populated counties with specific jurisdiction over actions involving
3 such commercial issues.

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

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

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

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

22 1. A judge of the district court shall receive an annual salary
23 of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars
24 (\$145,567.00);

1 2. An associate district judge shall receive an annual salary
2 of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars
3 (\$134,261.00); ~~and~~

4 3. A special judge shall receive an annual salary of One
5 Hundred Twenty-two Thousand Nine Hundred Fifty-four Dollars
6 (\$122,954.00); and

7 4. A business court judge shall receive an annual salary of One
8 Hundred Fifty-five Thousand Four Hundred Fifty-nine Dollars
9 (\$155,459.00).

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

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

20 B. If a governing board of the Court Fund receives a request
21 from a municipality that court be held within that municipality and
22 the board determines that sufficient reasons exist for establishing
23 a court and that sufficient funds and space for a court are made
24 available by the municipality, the board may establish a court,

1 presided over by a special judge, in that municipality. The request
2 to hold court in a municipality shall be included in the budget
3 submitted by the governing board of the Court Fund to the Chief
4 Justice of the Supreme Court and approved by the Chief Justice.

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

8 Section 125. A. In all counties of the state there is created
9 the office of secretary-bailiff for district judges and associate
10 district judges, and a secretary-bailiff for business court judges,
11 with each such secretary-bailiff and law clerk to be appointed by
12 order of the district judge, or associate district judge, or
13 business court judge to serve at the will of the appointing judge as
14 an unclassified employee of the state exempt from the provisions of
15 the Oklahoma Merit System of Personnel Administration. The Chief
16 Justice shall approve by administrative directive the number and
17 assignments of secretary-bailiffs and in all counties of the state.
18 Each secretary-bailiff shall be paid a salary pursuant to the salary
19 schedule established by the annual appropriation for the district
20 courts and in accordance with the job description for the position
21 to which appointed. For fiscal year 2023 and each fiscal year
22 thereafter, each secretary-bailiff shall receive an annual salary of
23 Forty-two Thousand Dollars (\$42,000.00). In every county of the
24 state each district judge and each associate district judge,

1 including business court judges, may by order appoint additional
2 necessary court personnel subject to the approval of the Chief
3 Justice. A part-time bailiff shall be paid out of the court fund of
4 the county where appointed at the rate set by administrative
5 directive for each hour that such person actually attends the court
6 and performs services, or a pro rata fraction thereof for less than
7 an hour of service. Notwithstanding any other provision of law,
8 each district judge and associate district judge may contract with
9 the sheriff of the county to allow a deputy sheriff to provide
10 bailiff service to the court.

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

14 C. No judge shall engage more than one full-time secretary-
15 bailiff at any given time except only during the progress of a jury
16 trial, when a part-time bailiff may be engaged subject to the
17 approval of the Chief Justice. In the latter event, no more than
18 one additional bailiff shall be engaged to take charge of the jury.
19 The costs of meals and lodging of bailiffs ordered to keep a jury
20 together during the process of a trial or after the jury retires for
21 deliberation shall be lawfully paid from the court fund.

22 D. A district judge who sits regularly in more than one county
23 may employ only one full-time secretary-bailiff in the judicial
24 district of the judge, and in any other county of the district the

1 judge may engage a bailiff only on a part-time basis when such judge
2 sits in the county as a judge pursuant to the procedures set forth
3 by the Chief Justice in the administrative directive. The cost of
4 the operation of the office of a district judge of a multi-county
5 judicial district, including the purchase of equipment and supplies,
6 may be apportioned among the counties of that judicial district, or
7 appropriate division of that district, based upon the percentage of
8 revenue collected by the courts of the district.

9 E. The Administrative Director of the Courts shall develop and
10 promulgate job descriptions, salary schedules and time-keeping forms
11 for part-time bailiff personnel. The Chief Justice of the Oklahoma
12 Supreme Court, through the Office of the Administrative Director of
13 the Courts, shall promulgate rules for the compensation for overtime
14 for all secretary-bailiff and part-time bailiff personnel employed.

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

22 G. On October 1, 1989, the position of full-time bailiff shall
23 be redesignated as the position of secretary-bailiff in accordance
24 with the job descriptions, salary schedules, and procedures approved

1 by the Chief Justice. Additional secretary-bailiff positions shall
2 be created as funding and employee positions are available.
3 Counties shall be allowed to provide additional support personnel to
4 the judges sitting in such counties to the extent that funding is
5 available.

6 H. Any secretary-bailiff, who is CLEET-certified as a basic
7 peace officer, shall have and exercise all the powers and authority
8 of a peace officer. The Office of the Administrative Director of
9 the Courts shall promulgate rules which prescribe the duties for all
10 CLEET-certified secretary-bailiffs. The provisions of this
11 subsection will not entitle a CLEET-certified secretary-bailiff to
12 participate in the Oklahoma Police Pension and Retirement System.

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

16 A. Each business court shall consist of one (1) business court
17 judge to be appointed as follows:

18 1. The Speaker of the Oklahoma House of Representatives shall
19 provide a list of six nominees to the Governor of this state. The
20 Governor shall appoint one of the six nominees to Business Court
21 Division I;

22 2. The President Pro Tempore of the Oklahoma State Senate shall
23 provide a list of six nominees to the Governor of this state. The
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1 Governor shall appoint one of the six nominees to the Business Court
2 Division II.

3 A business court judge shall serve a term of two (2) years,
4 beginning September 1 of every even-numbered year and may be
5 reappointed. A business court judge shall take the constitutional
6 oath of office required of appointed officers of this state and file
7 the oath with the Secretary of State. If a vacancy occurs in an
8 office of a business court judge, the Governor shall appoint, in the
9 same manner as the original appointment, another person to serve for
10 the remainder of the unexpired term.

11 B. Each business court judge must meet the following
12 requirements:

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

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

23 A. Except as provided for in subsection B of this section, each
24 business court shall have the authority to:

1 1. Exercise concurrent jurisdiction and the powers of a court
2 of equity, to the extent such powers are exercised:

3 a. notwithstanding the amount in controversy, where
4 equitable relief is requested in claims:

5 (1) pursuant to the Oklahoma Uniform Arbitration Act,
6 Section 1851 et seq. of Title 12 of the Oklahoma
7 Statutes,

8 (2) pursuant to the Oklahoma Uniform Trade Secrets
9 Act, Section 85 et seq. of Title 78 of the
10 Oklahoma Statutes,

11 (3) pursuant to the Oklahoma Uniform Securities Act
12 of 2004, Section 1-101 et seq. of Title 71 of the
13 Oklahoma Statutes,

14 (4) pursuant to the Oklahoma Uniform Commercial Code,
15 Section 1-101 et seq. of Title 12A of the
16 Oklahoma Statutes,

17 (5) pursuant to the Oklahoma General Corporation Act,
18 Section 101 et seq. of Title 18 of the Oklahoma
19 Statutes,

20 (6) pursuant to the Oklahoma Revised Uniform
21 Partnership Act, Section 1-100 et seq. of Title
22 54 of the Oklahoma Statutes,

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- 1 (7) pursuant to the Oklahoma Uniform Limited
2 Partnership Act of 2010, Section 500-101A, et
3 seq. of Title 54 of the Oklahoma Statutes,
4 (8) pursuant to the Oklahoma Limited Liability
5 Company Act, Section 2000 et seq. of Title 18 of
6 the Oklahoma Statutes,
7 (9) shareholder/unitholder derivative actions,
8 (10) that relate to the internal affairs of
9 businesses, including, but not limited to, rights
10 or obligations between or among business
11 participants regarding the liability or indemnity
12 of business participants, officers, directors,
13 managers, trustees, controlling shareholders or
14 members, or partners,
15 (11) arising under federal law over which courts of
16 this state have concurrent jurisdiction,
17 (12) where the complaint includes a professional
18 malpractice claim arising out of a business
19 dispute,
20 (13) involving tort claims between or among two or
21 more business entities or individuals as to their
22 business or investment activities relating to
23 contracts, transactions, or relationships between
24 or among such entities or individuals,

1 (14) for breach of contract, fraud, or
2 misrepresentation between businesses arising out
3 of business transactions or relationships,
4 (15) arising from e-commerce agreements; technology
5 licensing agreements, including, but not limited
6 to, software and biotechnology license
7 agreements; or any other agreement involving the
8 licensing of any intellectual property right,
9 including, but not limited to, an agreement
10 relating to patent rights,
11 (16) involving commercial real property, and
12 (17) involving claims that present sufficiently
13 complex commercial issues that would have
14 significant implications for the larger business
15 community, including but not limited to cases
16 with subject matter that technically would render
17 the case "excluded" pursuant to subsection B of
18 this section, as recommended by the Business
19 Court Docket Judge and as determined within the
20 discretion of the Chief Justice,

21 b. where any other relief is requested, the amount in
22 controversy shall be at least:

23 (1) Two Hundred Fifty Thousand Dollars (\$250,000.00)
24 for claims under paragraph 1, and

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

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

12 (1) numerous hearings, pretrial and dispositive
13 motions raising difficult or novel legal issues
14 that will be time-consuming to resolve,

15 (2) management of a large number of witnesses or a
16 substantial amount of documentary evidence,

17 (3) management of a large number of separately
18 represented parties,

19 (4) multiple expert witnesses,

20 (5) coordination with related actions pending in one
21 or more courts in other counties, states, or
22 countries, or in a federal court,

23 (6) substantial post judgment judicial supervision,
24 or

1 (7) legal or technical issues of complexity.

2 d. an action is provisionally a complex case if it
3 involves one or more of the following types of claims:

4 (1) antitrust or trade regulation claims,

5 (2) intellectual property matters, such as trade
6 secrets, copyrights, or patents,

7 (3) construction defect claims involving many parties
8 or structures,

9 (4) securities claims or investment losses involving
10 many parties,

11 (5) environmental or toxic tort claims involving many
12 parties,

13 (6) product liability claims,

14 (7) claims involving mass torts,

15 (8) claims involving class actions,

16 (9) ownership or control of business claims, or

17 (10) insurance coverage claims arising out of any

18 complex case described in divisions (1) through

19 (9) of this subparagraph.

20 2. Have supplemental jurisdiction over all pending claims that
21 are so related to the claims in cases provided for under paragraph
22 (1) of this subsection that such pending claims form part of the
23 same case or controversy.

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1 3. Exercise such other powers, not contrary to the
2 Constitution, as are or may be given to such a court by law.

3 B. A business court shall not have authority to exercise
4 jurisdiction over claims arising under federal or state law, as
5 applicable, involving:

6 1. Residential landlord and tenant disputes;

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

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

12 4. Personal injury and wrongful death actions;

13 5. Matters involving domestic relations;

14 6. Matters arising under Title 58 relating to probate;

15 7. Matters by or against any governmental entity, political
16 subdivision, arising under Title 19, or arising under The Oklahoma
17 Governmental Tort Claims Act;

18 8. Foreclosures;

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

3 10. Collections in matters involving a corporation or other
4 entity subject to the Oklahoma farming and ranching statutes or an
5 individual farmer; or

6 11. Cases that would generally be considered consumer
7 transactions or human relation matters.

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

11 Business Court Division I shall be quartered in Oklahoma City at
12 the Oklahoma Court of Civil Appeals. Business Court Division II
13 shall be quartered in Tulsa at the Oklahoma Court of Civil Appeals.

14 SECTION 8. This act shall become effective November 1, 2025.

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16 60-1-10129 AO 01/14/25

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