An Act

ENROLLED SENATE
BILL NO. 862

By: Sykes and Brecheen of the Senate

and

Sullivan and Tibbs of the House

An Act relating to liability; amending 23 O.S. 2001, Section 15, as amended by Section 23, Chapter 228, O.S.L. 2009 (23 O.S. Supp. 2010, Section 15), which relates to joint tortfeasor liability; modifying certain liability; and providing an effective date.

SUBJECT: Joint and several liability

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

SECTION 1. AMENDATORY 23 O.S. 2001, Section 15, as amended by Section 23, Chapter 228, O.S.L. 2009 (23 O.S. Supp. 2010, Section 15), is amended to read as follows:

Section 15. A. ~~Except as provided in subsection B of this section, in~~ In any civil action based on fault and not arising out of contract, the liability for damages caused by two or more persons shall be several only and a joint tortfeasor shall be liable only for the amount of damages allocated to that tortfeasor.

B. ~~A defendant shall be jointly and severally liable for the damages recoverable by the plaintiff if the percentage of responsibility attributed to the defendant with respect to a cause of action is greater than fifty percent (50%).~~

~~If at the time the incident which gave rise to the cause of action occurred, a joint tortfeasor acted with willful and wanton conduct or with reckless disregard of the consequences of the conduct and such conduct proximately caused the damages legally recoverable by the plaintiff, the liability for damages shall be joint and several as to any such tortfeasor.~~

~~C.~~ This section shall not apply to actions brought by or on behalf of the state.

~~D.~~ C. The provisions of this section shall apply to all civil actions based on fault and not arising out of contract that accrue on or after November 1, ~~2009~~ 2011.

SECTION 2. This act shall become effective November 1, 2011.

Passed the Senate the 28th day of February, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of March, 2011.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 30th

day of March, 2011,

at 3:09 o'clock P. M.

By: Jessica R. Rogers

Approved by the Governor of the State of Oklahoma the 5th day of

April, 2011, at 3:30p o'clock P. M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

5th day of April, 2011,

at 4:58 o'clock P. M.

By: Michelle R. Day