An Act

ENROLLED SENATE
BILL NO. 97

By: Floyd of the Senate

and

Stinson of the House

An Act relating to the Dispute Resolution Act; amending 12 O.S. 2021, Section 1805, which relates to confidentiality of proceedings; clarifying information not subject to disclosure; and providing an effective date.

SUBJECT: Dispute Resolution Act

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1805, is amended to read as follows:

Section 1805. A. Any information received by a mediator or a person employed to assist a mediator, through files, reports, interviews, memoranda, case summaries, or notes and work products of the mediator, is privileged and confidential.

B. No part of the proceeding shall be considered a matter of public record.

C. ~~No~~ Other than a mediator's report to the court, no mediator, initiating party, or responding party in a mediation proceeding shall be subject to administrative or judicial process requiring disclosure of any matters discussed or shall disclose any information obtained during any part of the mediation proceedings including but not limited to mediation scheduling, attendance, participation, or discussion of any proposed settlement agreement, items agreed upon or disputed, or the intent of the parties.

D. Each mediation session shall be informal. No adjudication sanction or penalty may be made or imposed by the mediator or the program.

E. No mediator, employee, or agent of a mediator shall be held liable for civil damages for any statement or decision made in the process of mediating or settling a dispute unless the action of such person was a result of gross negligence with malicious purpose or in a manner exhibiting willful disregard of the rights, safety, or property of any party to the mediation.

F. If a party who has participated in mediation brings an action for damages against a mediator arising out of mediation, for purposes of that action the privilege provided for in subsection A of this section shall be deemed to be waived as to the party bringing the action.

SECTION 2. This act shall become effective November 1, 2023.

Passed the Senate the 24th day of May, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th day of May, 20 23, at 6:42 o'clock p. M.

By: Jamie Avery

Approved by the Governor of the State of Oklahoma this 6th day of June, 20 23, at 4:17 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th day of June, 20 23, at 5:16 o'clock P. M.

By: Brian Bingman