

1 ENGROSSED SENATE AMENDMENT
2 TO
3 ENGROSSED HOUSE
4 BILL NO. 2729

By: Kendrix, Maynard, Jenkins,
Lepak, Crosswhite Hader,
Stark and Hill of the House

5 and
6

7 Bergstrom of the Senate
8

9 An Act relating to administrative law; amending 75
10 O.S. 2021, Section 318, which relates to judicial
11 review; prohibiting deference to an agency's
12 interpretation of a statute, regulation, or sub-
regulatory document; prescribing a de novo review
standard; requiring a reasonable interpretation
limiting agency power in certain circumstances; and
providing an effective date.

13
14 AUTHOR: Add the following Senate Coauthor: Jett

15 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
16 entire bill and insert

17 "An Act relating to the Administrative Procedures
18 Act; amending 75 O.S. 2021, Section 318, which
19 relates to judicial review; providing for timing of
20 accrual of certain claim; requiring a court or an
21 administrative hearing officer to provide de novo
22 interpretation of statute, rule, or regulation;
23 establishing guidelines for court interpretation of
24 statute, rule, or regulation in certain actions;
prohibiting imposition of civil penalty in certain
actions; providing exceptions; updating statutory
language; updating statutory reference; providing for
codification; and providing an effective date.

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

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

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

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

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

14 4. A claim under the Administrative Procedures Act accrues when
15 any plaintiff properly joined in the action has the right to assert
16 the claim in court, which at the earliest shall be the date the
17 party is aggrieved by final agency action.

18 B. 1. The judicial review prescribed by this section for final
19 agency orders, as to agencies whose final agency orders are made
20 subject to review, under constitutional or statutory provisions, by
21 appellate proceedings in the Supreme Court ~~of Oklahoma~~, shall be
22 afforded by such proceedings taken in accordance with the procedure
23 and under the conditions otherwise provided by law, but subject to

1 the applicable provisions of Sections 250.5 and 319 through 324 323
2 of this title, and the rules of the Supreme Court.

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

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

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

21 1. The agency whose final agency order was made subject to
22 review may be entitled to recover against such aggrieved party any
23 court costs, witness fees, and reasonable attorney fees if the court
24

1 determines that the proceeding brought by the party is frivolous or
2 was brought to delay the effect of said the final agency order.

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

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

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 321.1 of Title 75, unless there
18 is created a duplication in numbering, reads as follows:

19 A. No civil penalty may be awarded in an action brought by or
20 on behalf of an administrative agency of this state against any
21 person or legal entity for conduct that would also be the subject of
22 a suit at common law in which the defendant would be entitled to
23 trial by jury before a court established under the Oklahoma
24 Constitution, except after a trial by jury before such court.

1 B. The provisions of subsection A of this section shall not
2 apply to a summary judgment rendered in compliance with Title 12 of
3 the Oklahoma Statutes and any precedents establishing the standards
4 for summary judgment. Such requirement shall not apply to a civil
5 case in a court proceeding in equity jurisdiction that, prior to the
6 passage of this act, did not involve a right to a trial by jury
7 before a court established under the Oklahoma Constitution.

8 SECTION 3. This act shall become effective November 1, 2025."

9 Passed the Senate the 5th day of May, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the _____ day of _____,
2025.

Presiding Officer of the House
of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 2729

3 By: Kendrix, Maynard, Jenkins,
4 Lepak, Crosswhite Hader,
5 Stark and Hill of the House

6 and

7 Bergstrom of the Senate

8 An Act relating to administrative law; amending 75
9 O.S. 2021, Section 318, which relates to judicial
10 review; prohibiting deference to an agency's
interpretation of a statute, regulation, or sub-
regulatory document; prescribing a de novo review
standard; requiring a reasonable interpretation
limiting agency power in certain circumstances; and
providing an effective date.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 4. AMENDATORY 75 O.S. 2021, Section 318, is
15 amended to read as follows:

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

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

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

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

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

20 C. Copies of the petition shall be delivered in person or
21 mailed, postage prepaid, to the agency and all other parties of
22 record, and proof of such delivery or mailing shall be filed in the
23 court within ten (10) days after the filing of the petition. Any
24 party not named as a respondent in the petition is entitled to

1 respond within ten (10) days of receipt of service. The court, in
2 its discretion, may permit other interested persons to intervene.

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

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

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

14 E. In interpreting a state statute, regulation, or other sub-
15 regulatory document, a state court, examiner, or an officer hearing
16 an administrative action shall not defer to a state agency's
17 interpretation of the applicable statute, regulation, or sub-
18 regulatory document, and shall interpret the meaning and effect of
19 the statute, regulation, or sub-regulatory document de novo. In
20 actions brought by or against state agencies, after applying all
21 customary tools of interpretation, the court, hearing examiner, or
22 hearing officer shall exercise any remaining doubt in favor of a
23 reasonable interpretation that limits agency power and maximizes
24 individual liberty.

1 SECTION 5. This act shall become effective November 1, 2025.

2 Passed the House of Representatives the 3rd day of March, 2025.

3

4 _____
5 Presiding Officer of the House
of Representatives

6 Passed the Senate the _____ day of _____, 2025.
7

8

9 _____
10 Presiding Officer of the Senate

11

12

13

14

15

16

17

18

19

20

21

22

23

24