

1                           **SENATE FLOOR VERSION**  
2                           April 22, 2025

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 2729

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

6                           and  
7                           Bergstrom of the Senate  
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11 An Act relating to the Administrative Procedures Act;  
12 amending 75 O.S. 2021, Section 318, which relates to  
13 judicial review; providing for timing of accrual of  
14 certain claim; requiring a court or an administrative  
15 hearing officer to provide de novo interpretation of  
16 statute, rule, or regulation; establishing guidelines  
for court interpretation of 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.

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

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

23                           Section 318. A. 1. Any party aggrieved by a final agency  
24 order in an individual proceeding is entitled to certain, speedy,

1    adequate, and complete judicial review thereof pursuant to the  
2    provisions of this section and Sections 319, 320, 321, 322, and 323  
3    of this title.

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

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

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

13        B. 1. The judicial review prescribed by this section for final  
14   agency orders, as to agencies whose final agency orders are made  
15   subject to review, under constitutional or statutory provisions, by  
16   appellate proceedings in the Supreme Court ~~of Oklahoma~~, shall be  
17   afforded by such proceedings taken in accordance with the procedure  
18   and under the conditions otherwise provided by law, but subject to  
19   the applicable provisions of Sections 250.5 and 319 through 324 323  
20   of this title, and the rules of the Supreme Court.

21        2. In all other instances, proceedings for review shall be  
22   instituted by filing a petition, in the district court of the county  
23   in which the party seeking review resides or at the option of such  
24   party where the property interest affected is situated, naming as

1 | respondents only the agency, such other party or parties in the  
2 | administrative proceeding as may be named by the petitioner or as  
3 | otherwise may be allowed by law, within thirty (30) days after the  
4 | appellant is notified of the final agency order as provided in  
5 | Section 312 of this title.

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

13 |       D. In any proceedings for review brought by a party aggrieved  
14 | by a final agency order:

15 |           1. The agency whose final agency order was made subject to  
16 | review may be entitled to recover against such aggrieved party any  
17 | court costs, witness fees, and reasonable attorney fees if the court  
18 | determines that the proceeding brought by the party is frivolous or  
19 | was brought to delay the effect of said the final agency order.

20 |           2. The party aggrieved by the final agency order may be  
21 | entitled to recover against such agency any court costs, witness  
22 | fees, and reasonable attorney fees if the court determines that the  
23 | proceeding brought by the agency is frivolous.

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

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

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

19      B. The provisions of subsection A of this section shall not  
20     apply to a summary judgment rendered in compliance with Title 12 of  
21     the Oklahoma Statutes and any precedents establishing the standards  
22     for summary judgment. Such requirement shall not apply to a civil  
23     case in a court proceeding in equity jurisdiction that, prior to the

1 | passage of this act, did not involve a right to a trial by jury  
2 | before a court established under the Oklahoma Constitution.

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

4 | COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
5 | April 22, 2025 - DO PASS AS AMENDED BY CS

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