

1 **SENATE FLOOR VERSION**
2 April 23, 2025
3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1562

6 By: Duel of the House

7 and

8 Howard of the Senate

9
10 [courts - business court division - municipalities -
11 compensation - judicial officers - salary - business
12 court judges - district court - secretary-bailiff -
13 requirements - term limits - jurisdiction - proper
14 venue - time limit - nonjury trials - filing fee -
15 electronic filing - codification - effective date]

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

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

19 Section 91.7. A. The Oklahoma Legislature finds that, due to
20 the complex nature of litigation involving highly technical
21 commercial issues, there is a need for a court in Oklahoma's most
22 populated counties with specific jurisdiction over actions involving
23 such commercial issues.

24 B. ~~The Supreme Court is authorized to create~~ There is hereby
25 created a business court division within the district court of any
26 judicial district containing a municipality with a population in

1 excess of ~~three hundred thousand~~ (300,000) five hundred thousand
2 (500,000), according to the latest Federal Decennial Census.

3 ~~C. The Supreme Court shall promulgate rules for the~~
4 ~~establishment and jurisdiction of the business court divisions~~ Each
5 business court division created shall hereinafter be categorized and
6 named numerically. Business Court Division I shall be located in
7 Oklahoma County. Business Court Division II shall be located in
8 Tulsa County.

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

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

16 1. A judge of the district court shall receive an annual salary
17 of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars
18 (\$145,567.00);

19 2. An associate district judge shall receive an annual salary
20 of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars
21 (\$134,261.00); and

22 3. A special judge shall receive an annual salary of One
23 Hundred Twenty-two Thousand Nine Hundred Fifty-four Dollars
24 (\$122,954.00); and

1 4. A business court judge shall receive an annual salary equal
2 to that of an Oklahoma district court judge.

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

5 Section 95.1. A. Unless and until the Supreme Court or the
6 Presiding Judge of the judicial administrative district provides
7 otherwise, and excluding any business courts established pursuant to
8 Section 91.7 of this title, the District Court shall hold court in
9 the county seat of every county in the district, in any city where a
10 Superior Court held sessions and at such other places within the
11 district as the district and associate district judges shall
12 prescribe.

13 B. If a governing board of the Court Fund receives a request
14 from a municipality that court be held within that municipality and
15 the board determines that sufficient reasons exist for establishing
16 a court and that sufficient funds and space for a court are made
17 available by the municipality, the board may establish a court,
18 presided over by a special judge, in that municipality. The request
19 to hold court in a municipality shall be included in the budget
20 submitted by the governing board of the Court Fund to the Chief
21 Justice of the Supreme Court and approved by the Chief Justice.

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

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

1 the county where appointed at the rate set by administrative
2 directive for each hour that such person actually attends the court
3 and performs services, or a pro rata fraction thereof for less than
4 an hour of service. Notwithstanding any other provision of law,
5 each district judge and, associate district judge, and business
6 court judge may contract with the sheriff of the county to allow a
7 deputy sheriff to provide bailiff service to the court.

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

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

19 D. A district judge who sits regularly in more than one county
20 may employ only one full-time secretary-bailiff in the judicial
21 district of the judge, and in any other county of the district the
22 judge may engage a bailiff only on a part-time basis when such judge
23 sits in the county as a judge pursuant to the procedures set forth
24 by the Chief Justice in the administrative directive. The cost of

1 the operation of the office of a district judge of a multi-county
2 judicial district, including the purchase of equipment and supplies,
3 may be apportioned among the counties of that judicial district, or
4 appropriate division of that district, based upon the percentage of
5 revenue collected by the courts of the district.

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

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

19 G. On October 1, 1989, the position of full-time bailiff shall
20 be redesignated as the position of secretary-bailiff in accordance
21 with the job descriptions, salary schedules, and procedures approved
22 by the Chief Justice. Additional secretary-bailiff positions shall
23 be created as funding and employee positions are available.
24 Counties shall be allowed to provide additional support personnel to

1 the judges sitting in such counties to the extent that funding is
2 available.

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

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

13 A. There is hereby created the Joint Committee on Judicial
14 Vacancy Appointments. The Committee shall be responsible for
15 providing the Governor with a list of five nominees for judicial
16 appointment to each business court. The Governor shall appoint one
17 of the five nominees to the business court to preside as the
18 business court judge. The Committee shall consist of ten (10)
19 members, to be appointed as follows:

20 1. Five members of the Senate to be appointed by the President
21 Pro Tempore of the Oklahoma State Senate. Four of the members shall
22 be from the majority party and one member shall be from the minority
23 party; and

1 2. Five members of the Oklahoma House of Representatives to be
2 appointed by the Speaker of the House of Representatives. Four of
3 the members shall be from the majority party and one member shall be
4 from the minority party.

5 B. The chairman and vice-chairman of the Committee shall be
6 designated from the membership of the Committee by the Speaker of
7 the House of Representatives and the President Pro Tempore of the
8 Senate as provided for in this subsection. The President Pro
9 Tempore of the Senate shall designate the initial chairman who shall
10 serve until the convening of the First Regular Session of the 61st
11 Oklahoma Legislature. The Speaker of the House of Representatives
12 shall designate the initial vice-chairman who shall serve until the
13 convening of the First Regular Session of the 61st Oklahoma
14 Legislature. Thereafter, the chairmanship shall alternate every two
15 (2) years between the House of Representatives and the Senate,
16 beginning with the convening of the First Regular Session of the
17 Legislature.

18 C. All members of the Committee shall serve at the pleasure of
19 the appointing authority.

20 D. All actions of the Committee shall require a quorum which
21 shall be defined as a majority of the members appointed.

22 E. Staff for the Committee shall be provided by the House of
23 Representatives and Senate from their existing staff.

1 F. A business court judge shall serve a term of eight (8)
2 years, beginning September 1 of every even-numbered year and may be
3 reappointed except as otherwise provided by this subsection. The
4 first business court judge appointed to Business Court Division II
5 shall serve a term of four (4) years beginning September 1 of every
6 even-numbered year and may be reappointed. A business court judge
7 shall take the constitutional oath of office required of appointed
8 officers of this state and file the oath with the Secretary of
9 State. If a vacancy occurs in an office of a business court judge,
10 in the same manner as the original appointment, another person shall
11 be appointed to serve for the remainder of the unexpired term. In
12 the event that the docket of a business court judge exceeds
13 reasonable capacity, a district court judge may sit in designation
14 temporarily as a business court judge to assist in caseload
15 management. The designated district court judge shall have the same
16 authority as the business court judge in relation to the cases
17 assigned to them during such designation.

18 G. Each business court judge must meet the following
19 requirements:

- 20 1. Be at least thirty-five (35) years of age;
- 21 2. Be a United States citizen; and
- 22 3. Be a licensed attorney in good standing in this state who
23 has ten (10) or more years of experience in practicing complex civil
24 business litigation, practicing business transaction law, serving as

1 a judge of a court in this state with civil jurisdiction, or a
2 combination of experience described by this paragraph.

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

6 A. Except as provided for by subsection F of this section, and
7 notwithstanding the amount in controversy, each business court shall
8 have the authority to exercise jurisdiction and the powers of a
9 court of equity, where equitable relief is requested in claims:

10 1. Pursuant to the Oklahoma Uniform Arbitration Act, Section
11 1851 et seq. of Title 12 of the Oklahoma Statutes;

12 2. Pursuant to the Oklahoma Uniform Trade Secrets Act, Section
13 85 et seq. of Title 78 of the Oklahoma Statutes;

14 3. Pursuant to the Oklahoma Uniform Securities Act of 2004,
15 Section 1-101 et seq. of Title 71 of the Oklahoma Statutes;

16 4. Pursuant to the Oklahoma Uniform Commercial Code, Section 1-
17 101 et seq. of Title 12A of the Oklahoma Statutes;

18 5. Pursuant to the Oklahoma General Corporation Act, Section
19 1001 et seq. of Title 18 of the Oklahoma Statutes;

20 6. Pursuant to the Oklahoma Revised Uniform Partnership Act,
21 Section 1-100 et seq. of Title 54 of the Oklahoma Statutes;

22 7. Pursuant to the Oklahoma Uniform Limited Partnership Act of
23 2010, Section 500-101A, et seq. of Title 54 of the Oklahoma
24 Statutes;

1 8. Pursuant to the Oklahoma Limited Liability Company Act,
2 Section 2000 et seq. of Title 18 of the Oklahoma Statutes;
3 9. Shareholder and unitholder derivative actions;
4 10. That relate to the internal affairs of businesses,
5 including, but not limited to, rights or obligations between or
6 among business participants regarding the liability or indemnity of
7 business participants, officers, directors, managers, trustees,
8 controlling shareholders or members, or partners;
9 11. Arising under federal law over which courts of this state
10 have concurrent jurisdiction;
11 12. Where the complaint includes a professional malpractice
12 claim arising out of a business dispute;
13 13. Involving tort claims between or among two or more business
14 entities or individuals as to their business or investment
15 activities relating to contracts, transactions, or relationships
16 between or among such entities or individuals;
17 14. For breach of contract, fraud, or misrepresentation between
18 businesses arising out of business transactions or relationships;
19 15. Arising from e-commerce agreements; technology licensing
20 agreements, including, but not limited to, software and
21 biotechnology license agreements; or any other agreement involving
22 the licensing of any intellectual property right, including, but not
23 limited to, an agreement relating to patent rights;
24 16. Involving commercial real property; and

1 17. Involving claims that present sufficiently complex
2 commercial issues that would have significant implications for the
3 larger business community, including but not limited to, cases with
4 subject matter that technically would render the case "excluded"
5 pursuant to subsection F of this section, as recommended by the
6 business court judge and as determined within the discretion of the
7 Chief Justice.

8 B. Where any other relief is requested, the amount in
9 controversy shall be at least Five Hundred Thousand Dollars
10 (\$500,000.00) for claims under subsection A of this section and Five
11 Hundred Thousand Dollars (\$500,000.00) for claims in complex cases.
12 As used in this section, a "complex case" means an action that
13 requires exceptional judicial management to avoid placing
14 unnecessary burdens on the court or the litigants and to expedite
15 the case, keep costs reasonable, and promote effective decision
16 making by the court, the parties, and counsel. In deciding whether
17 an action is a complex case, the court must consider, among other
18 things, whether the action is likely to involve:

19 1. Numerous hearings, pretrial and dispositive motions raising
20 difficult or novel legal issues that will be time-consuming to
21 resolve;

22 2. Management of a large number of witnesses or a substantial
23 amount of documentary evidence;

24

- 1 3. Management of a large number of separately represented
2 parties;
- 3 4. Multiple expert witnesses;
- 4 5. Coordination with related actions pending in one or more
5 courts in other counties, states, or countries, or in a federal
6 court;
- 7 6. Substantial post judgment judicial supervision; or
- 8 7. Legal or technical issues of complexity.
- 9 C. An action is provisionally a complex case if it involves one
10 or more of the following types of claims:
- 11 1. Antitrust or trade regulation claims;
- 12 2. Intellectual property matters, such as trade secrets,
13 copyrights, or patents;
- 14 3. Construction defect claims involving many parties or
15 structures;
- 16 4. Securities claims or investment losses involving many
17 parties;
- 18 5. Environmental or toxic tort claims involving many parties;
- 19 6. Product liability claims;
- 20 7. Claims involving mass torts;
- 21 8. Claims involving class actions;
- 22 9. Ownership or control of business claims; or
- 23 10. Insurance coverage claims arising out of any complex case
24 described in paragraphs 1 through 9 of this subsection.

1 D. Each business court shall have supplemental jurisdiction
2 over all pending claims that are so related to the claims in cases
3 provided for under subsection A of this section that such pending
4 claims form part of the same case or controversy.

5 E. Each business court shall exercise such other powers, not
6 contrary to the Constitution, as are or may be given to such a court
7 by law.

8 F. A business court shall not have authority to exercise
9 jurisdiction over claims arising under federal or state law, as
10 applicable, involving:

11 1. Residential landlord and tenant disputes;

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

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

17 4. Personal injury and wrongful death actions;

18 5. Matters involving domestic relations;

19 6. Matters arising under Title 58 of the Oklahoma Statutes
20 relating to probate;

21 7. Matters by or against any governmental entity, political
22 subdivision, arising under Title 19 of the Oklahoma Statutes, or
23 arising under The Oklahoma Governmental Tort Claims Act;

24 8. Foreclosures;

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

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

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

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

16 A. Except as provided in subsection B of this section, actions
17 shall be brought before the business court as follows:

18 1. An action within the jurisdiction of the business court may
19 be filed in the business court. The filing party shall plead facts
20 sufficient to establish venue in a county in a division of the
21 business court. Venue may be established as provided by law or, if
22 a written contract specifies a county as venue for the action, as
23 provided by the contract;

1 2. If the business court determines it does not have
2 jurisdiction over the action, the business court shall:
3 a. transfer the action to a district court in a county
4 with jurisdiction over the action, or
5 b. dismiss the action without prejudice to the rights of
6 the parties; and

7 3. If the business court determines that the venue is improper
8 as to the action, the business court shall transfer the action to
9 the court of proper venue.

10 B. 1. A district court in this state may transfer an action to
11 the business court division of proper venue if the district court
12 judge determines the business court has subject matter jurisdiction
13 over the action.

14 2. A party to an action filed in a district court that is
15 within the jurisdiction of the business court may remove the action
16 to the business court. If the business court does not have
17 jurisdiction of the action, the business court shall remand the
18 action to the court in which the action was originally filed.

19 C. A party to an action filed in a district court of proper
20 venue that is not within an operating division of the business
21 court, or the judge of the court in which the action is filed, shall
22 not remove or transfer the action to the business court.

23 D. A party may file an agreed notice of removal to the business
24 court at any time during the pendency of the action. If all parties

1 to the action have not agreed to remove the action, the notice of
2 removal shall be filed:

3 1. Not later than thirty (30) days after the date the party
4 requesting removal of the action discovered, or reasonably should
5 have discovered, facts establishing the business court's
6 jurisdiction over the action; or

7 2. If an application for temporary injunction is pending on the
8 date the party requesting removal of the action discovered, or
9 reasonably should have discovered, facts establishing the business
10 court's jurisdiction over the action, not later than thirty (30)
11 days after the date the application is granted, denied, or denied as
12 a matter of law.

13 E. The notice of removal shall be filed with the business court
14 and the district court in which the action was originally filed. On
15 receipt of the notice, the clerk of the court in which the action
16 was originally filed shall immediately transfer the action to the
17 business court in accordance with the Oklahoma Pleading Code,
18 Section 2001 et seq. of Title 12 of the Oklahoma Statutes, and the
19 court clerk shall assign the action to the appropriate division of
20 the business court.

21 F. Unless otherwise provided in this section, all pleadings
22 shall be governed by the Oklahoma Pleading Code.

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

4 Nonjury trials in a business court shall be resolved within
5 twelve (12) months of the filing of the action. The twelve-month
6 disposition schedule may be extended if both parties agree to a
7 longer resolution period. Such an extension shall be agreed upon in
8 writing by all parties and approved by the court.

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

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

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

18 A fee of Two Thousand Five Hundred Dollars (\$2,500.00) shall be
19 charged and collected by the court clerk at the time of filing any
20 lawsuit in a business court division established pursuant to Section
21 1 of this act. A fee of Fifty Dollars (\$50.00) shall be charged and
22 collected at the time of filing by the court clerk for any motion
23 thereafter filed within the same lawsuit.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 91.7h of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 The Supreme Court is authorized to provide for electronic filing
5 of documents in Oklahoma business courts. The Administrative Office
6 of the Courts shall promulgate rules for the filing of documents
7 transmitted by electronic device. Rules for electronic filing must
8 have the approval of the Supreme Court.

9 SECTION 12. This act shall become effective November 1, 2025.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
April 23, 2025 - DO PASS AS AMENDED