

# An Act

ENROLLED SENATE  
BILL NO. 453

By: Howard of the Senate

and

Harris of the House

An Act relating to civil actions; creating the Oklahoma Expedited Actions Act; providing short title; providing for application of expedited actions process; establishing limitation for certain judgments; prescribing procedures for removal of case from expedited actions process; establishing discovery procedures for certain process; requiring setting of trial date within certain time period; prescribing time limits for trial; defining term; authorizing referral to alternative dispute resolution; establishing procedures related to challenging admissibility of expert testimony; amending 12 O.S. 2021, Section 2702, which relates to expert testimony; modifying requirements to qualify certain expert testimony; defining terms; prohibiting limitation on award for economic loss; establishing limitation on award for noneconomic loss for certain injuries; providing exceptions; establishing limitation on award for noneconomic loss for injuries causing certain mental incapacity; providing exceptions for limitations due to certain acts of defendant; requiring findings of fact or general verdict to specify certain information; specifying applicability of provisions; repealing 23 O.S. 2021, Section 61.2, which relates to bodily injury economic and noneconomic loss compensation; providing for codification; and providing an effective date.

SUBJECT: Civil actions

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1775 of Title 12, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 8 of this act shall be known and may be cited as the "Oklahoma Expedited Actions Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1776 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. The expedited actions process provided for in this act shall apply to a suit in which all claimants, other than counter-claimants, affirmatively plead that they seek only monetary relief aggregating Two Hundred Fifty Thousand Dollars (\$250,000.00) or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

B. In no event may a party who brings a suit under this act recover a judgment in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00), excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1777 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. A court shall remove a suit from the expedited actions process:

1. On motion and a showing of good cause by any party; or

2. If any claimant, other than a counter-claimant, files a pleading or an amended or supplemental pleading that seeks any relief other than the monetary relief allowed by Section 2 of this act.

B. A pleading, amended pleading, or supplemental pleading that removes a suit from the expedited actions process may not be filed without leave of court unless it is filed before the earlier of

thirty (30) days after the discovery period is closed or thirty (30) days before the date is set for trial. Leave to amend may be granted only if good cause for filing the pleading outweighs any prejudice to an opposing party.

C. If a suit is removed from the expedited actions process, the court shall reopen discovery.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1778 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. Every case that follows the expedited actions process shall be governed by the discovery control plan provided for in this section. Discovery shall be subject to the limitations provided for in Section 3226 of Title 12 of the Oklahoma Statutes and to the following additional limitations:

1. In a suit not governed by Title 43 of the Oklahoma Statutes, all discovery shall be conducted during the discovery period, which begins when the first initial disclosures are due and continues for one hundred eighty (180) days. In a suit governed by Title 43 of the Oklahoma Statutes, all discovery shall be conducted during the discovery period, which begins when the suit is filed and continues until one hundred eighty (180) days after the first request for discovery of any kind is served on a party;

2. Each party shall have no more than twenty (20) hours in total to examine and cross-examine all witnesses in oral depositions. The court may modify the deposition hours so that no party is given unfair advantage;

3. Any party may serve on any other party no more than fifteen written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory;

4. Any party may serve on any other party no more than fifteen written requests for production. Each discrete subpart of a request for production is considered a separate request for production; and

5. Any party may serve on any other party no more than fifteen written requests for admissions. Each discrete subpart of a request for admission is considered a separate request for admission.

B. If a suit is removed from the expedited actions process or, in a divorce, the filing of a pleading renders this section no longer applicable, the discovery period shall reopen and discovery shall be completed within the limitations provided in Section 3226 of Title 12 of the Oklahoma Statutes. Any person previously deposed may be redeposed. On motion of any party, the court should continue the trial date if necessary to permit completion of discovery.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1779 of Title 12, unless there is created a duplication in numbering, reads as follows:

Upon request of any party, the court shall set the case for a trial date that is within ninety (90) days after the discovery period ends. The court may continue the case twice, not to exceed a total of sixty (60) days.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1780 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. 1. Each side shall be allowed no more than eight (8) hours to complete jury selection, opening statements, presentation of evidence, examination and cross-examination of witnesses, and closing arguments. On motion and a showing of good cause by any party, the court may extend the time limit to no more than twelve (12) hours per side.

2. For purposes of this subsection, "side" means one or more litigants who have common interests on the matters with which the jury is concerned, and is not synonymous with "party", "litigant", or "person".

B. Time spent on objections, bench conferences, bills of exception, and challenges for cause to a juror shall not be included in the time limit set forth in subsection A of this section.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1781 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. Unless the parties have agreed not to engage in alternative dispute resolution, the court may refer the case to an alternative dispute resolution procedure once. Such procedure shall:

1. Not exceed a half-day in duration, excluding scheduling time;
2. Not exceed a total cost of twice the amount of applicable civil filing fees; and
3. Be completed no later than sixty (60) days before the initial trial setting.

B. The court shall consider objections to referral to alternative dispute resolution unless prohibited by statute.

C. The parties may agree to engage in alternative dispute resolution other than that provided for in subsection A of this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1782 of Title 12, unless there is created a duplication in numbering, reads as follows:

Unless requested by the party sponsoring the expert, a party may only challenge the admissibility of expert testimony as an objection to summary judgment evidence during a pretrial conference or during the trial on the merits. The requirements of this section shall not apply to a motion to strike for late designation.

SECTION 9. AMENDATORY 12 O.S. 2021, Section 2702, is amended to read as follows:

Section 2702. If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in

the form of an opinion or otherwise, if the proponent demonstrates to the court that it is more likely than not that:

1. The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

2. The testimony is based upon sufficient facts or data;

2. 3. The testimony is the product of reliable principles and methods; and

3. 4. The witness has applied expert's opinion reflects a reliable application of the principles and methods ~~reliably~~ to the facts of the case.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61.3 of Title 23, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Bodily injury" means actual physical injury to the body of a person and sickness or disease resulting therefrom;

2. "Economic damages" means any type of pecuniary harm including, but not limited to:

a. all wages, salaries, or other compensation lost as a result of a bodily injury that is the subject of a civil action,

b. all costs incurred for medical care or treatment, rehabilitation services, or other care, treatment, services, products, or accommodations as a result of a bodily injury that is the subject of a civil action, or

c. any other costs incurred as a result of a bodily injury that is the subject of a civil action;

3. "Fraudulent" or "fraud" means "actual fraud" as defined pursuant to Section 58 of Title 15 of the Oklahoma Statutes;

4. "Gross negligence" means the want of slight care and diligence;

5. "Malice" involves hatred, spite, or ill will, or the doing of a wrongful act intentionally without just cause or excuse;

6. "Noneconomic damages" means nonpecuniary harm that arises from a bodily injury that is the subject of a civil action, including damages for:

- a. pain and suffering,
- b. loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education,
- c. disfigurement
- d. mental anguish, and
- e. any other intangible loss; and

7. "Reckless disregard of another's rights" shall have the same meaning as willful and wanton conduct and shall mean that the defendant was either aware, or did not care, that there was a substantial and unnecessary risk that his, her, or its conduct would cause serious injury to others. In order for the conduct to be in reckless disregard of another's rights, it must have been unreasonable under the circumstances and there must have been a high probability that the conduct would cause serious harm to another person.

B. In any civil action arising from a claimed bodily injury, the amount of compensation which the trier of fact may award a plaintiff for economic loss shall not be subject to any limitation.

C. 1. Except as provided in paragraph 2 of this subsection, in any civil action arising from a claimed bodily injury, the amount of compensation which a trier of fact may award a plaintiff for

noneconomic loss shall not exceed Five Hundred Thousand Dollars (\$500,000.00), regardless of the number of parties against whom the action is brought or the number of actions brought.

2. If the trier of fact finds that a plaintiff has suffered permanent and severe physical injury, including a substantial physical abnormality or disfigurement, loss of use of a limb, or loss of or substantial impairment to a major body organ or system, or an injury of any type that renders the plaintiff incapable of being able to independently care for himself or herself or perform life-sustaining activities, there shall be no limit on the amount of compensation that a trier of fact may award the plaintiff for noneconomic loss.

D. If the trier of fact finds that a plaintiff has suffered a permanent mental injury that itself severely impairs the plaintiff's ability to be employed or enjoy a reasonable standard of living, the amount of compensation that a trier of fact may award a plaintiff for noneconomic loss shall not exceed One Million Dollars (\$1,000,000.00), regardless of the number of parties against whom the action is brought or the number of actions brought.

E. Notwithstanding subsection C or D of this section, there shall be no limit on the amount of noneconomic damages that the trier of fact may award the plaintiff in a civil action arising from a claimed bodily injury resulting from negligence if the judge and jury find, by clear and convincing evidence, that the defendant's acts or failures to act were:

1. In reckless disregard for the rights of others;
2. Grossly negligent;
3. Fraudulent; or
4. Intentional or with malice.

F. In the trial of a civil action arising from claimed bodily injury, if the verdict is for the plaintiff, the court, in a nonjury trial, shall make findings of fact, and the jury, in a trial by jury, shall return a general verdict accompanied by answers to interrogatories, which shall specify all of the following:

1. The total compensatory damages recoverable by the plaintiff;
2. That portion of the total compensatory damages representing the plaintiff's economic loss;
3. That portion of the total compensatory damages representing the plaintiff's noneconomic loss; and
4. If alleged, whether the conduct of the defendant was or amounted to:
  - a. reckless disregard for the rights of others,
  - b. gross negligence,
  - c. fraud, or
  - d. intentional or malicious conduct.

G. This section shall not apply to actions brought under The Governmental Tort Claims Act or actions brought pursuant to Section 7 of Article XXIII of the Oklahoma Constitution.

H. This section shall apply to injuries occurring on or after the effective date of this act.

SECTION 11. REPEALER 23 O.S. 2021, Section 61.2, is hereby repealed.

SECTION 12. This act shall become effective September 1, 2025.

Passed the Senate the 22nd day of May, 2025.

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Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2025.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. M.  
By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. M.

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Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. M.  
By: \_\_\_\_\_