

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
FOR  
5 HOUSE BILL NO. 1562

By: Duel

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7

8                   COMMITTEE SUBSTITUTE

9 An Act relating to courts; amending 20 O.S. 2021,  
10 Section 91.7, which relates to business court  
11 division; modifying language to create a business  
12 court division in certain municipalities; amending 20  
13 O.S. 2021, Section 92.1A, which relates to  
14 compensation for judicial officers; providing salary  
15 for business court judges; amending 20 O.S. 2021,  
16 Section 95.1, which relates to places of holding  
17 district court; excluding business courts from  
18 requirement of holding court in every county;  
19 amending 20 O.S. 2021, Section 125, as amended by  
20 Section 2, Chapter 271, O.S.L. 2022 (20 O.S. Supp.  
21 2024, Section 125), which relates to the office of  
secretary-bailiff; providing business court judges  
with secretary-bailiff and law clerk; providing for  
appointment of business court judges; providing  
requirements to be a business court judge; providing  
term limits; providing business court jurisdiction to  
hear certain cases; prohibiting business courts from  
hearing certain cases; providing for establishing  
proper venue; providing for transfer and removal;  
providing for time limit on nonjury trials; providing  
where business courts shall be quartered; providing  
filing fee; providing electronic filing; providing  
for codification; and providing an effective date.

22

23

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

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

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

8 ~~B. The Supreme Court is authorized to create~~ There is hereby  
9 created a business court division within the district court of any  
10 judicial district containing a municipality with a population in  
11 excess of ~~three hundred thousand (300,000)~~ five hundred thousand  
12 (500,000), according to the latest Federal Decennial Census.

13 C. ~~The Supreme Court shall promulgate rules for the~~  
14 ~~establishment and jurisdiction of the business court divisions~~ Each  
15 business court division created shall hereinafter be categorized and  
16 named numerically. Business Court Division I shall be located in  
17 Oklahoma County. Business Court Division II shall be located in  
18 Tulsa County.

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

21 Section 92.1A. For fiscal year 2021 and each fiscal year  
22 thereafter, except as otherwise provided by the Board on Judicial  
23 Compensation after the effective date of this act, the following  
24

1 | judicial officers shall receive compensation for their services,  
2 | payable monthly as follows:

3 |       1. A judge of the district court shall receive an annual salary  
4 | of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars  
5 | (\$145,567.00);

6 |       2. An associate district judge shall receive an annual salary  
7 | of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars  
8 | (\$134,261.00); and

9 |       3. A special judge shall receive an annual salary of One  
10 | Hundred Twenty-two Thousand Nine Hundred Fifty-four Dollars  
11 | (\$122,954.00); and

12 |       4. A business court judge shall receive an annual salary equal  
13 | to that of an Oklahoma district court judge.

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

16 |       Section 95.1. A. Unless and until the Supreme Court or the  
17 | Presiding Judge of the judicial administrative district provides  
18 | otherwise, and excluding any business courts established pursuant to  
19 | Section 91.7 of this title, the District Court shall hold court in  
20 | the county seat of every county in the district, in any city where a  
21 | Superior Court held sessions and at such other places within the  
22 | district as the district and associate district judges shall  
23 | prescribe.

1       B. If a governing board of the Court Fund receives a request  
2 from a municipality that court be held within that municipality and  
3 the board determines that sufficient reasons exist for establishing  
4 a court and that sufficient funds and space for a court are made  
5 available by the municipality, the board may establish a court,  
6 presided over by a special judge, in that municipality. The request  
7 to hold court in a municipality shall be included in the budget  
8 submitted by the governing board of the Court Fund to the Chief  
9 Justice of the Supreme Court and approved by the Chief Justice.

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

13       Section 125. A. In all counties of the state there is created  
14 the office of secretary-bailiff for district judges and associate  
15 district judges, and a secretary-bailiff for business court judges,  
16 with each such secretary-bailiff to be appointed by order of the  
17 district judge ~~or,~~ associate district judge, or business court judge  
18 to serve at the will of the appointing judge as an unclassified  
19 employee of the state exempt from the provisions of the Oklahoma  
20 Merit System of Personnel Administration. The Chief Justice shall  
21 approve by administrative directive the number and assignments of  
22 secretary-bailiffs in all counties of the state. Each secretary-  
23 bailiff shall be paid a salary pursuant to the salary schedule  
24 established by the annual appropriation for the district courts and

1      in accordance with the job description for the position to which  
2 appointed. For fiscal year 2023 and each fiscal year thereafter,  
3 each secretary-bailiff shall receive an annual salary of Forty-two  
4 Thousand Dollars (\$42,000.00). In each county for which a business  
5 court sits, the presiding business court judge shall appoint a law  
6 clerk to serve at the will of the appointing business court judge as  
7 an unclassified employee exempt from the provisions of the Oklahoma  
8 Merit System of Personnel Administration. In every county of the  
9 state each district judge and each associate district judge, including business court judges, may by order appoint additional  
10 necessary court personnel subject to the approval of the Chief  
11 Justice. A part-time bailiff shall be paid out of the court fund of  
12 the county where appointed at the rate set by administrative  
13 directive for each hour that such person actually attends the court  
14 and performs services, or a pro rata fraction thereof for less than  
15 an hour of service. Notwithstanding any other provision of law,  
16 each district judge and, associate district judge, and business  
17 court judge may contract with the sheriff of the county to allow a  
18 deputy sheriff to provide bailiff service to the court.

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

23            C. No judge shall engage more than one full-time secretary-  
24 bailiff at any given time except only during the progress of a jury

1 trial, when a part-time bailiff may be engaged subject to the  
2 approval of the Chief Justice. In the latter event, no more than  
3 one additional bailiff shall be engaged to take charge of the jury.  
4 The costs of meals and lodging of bailiffs ordered to keep a jury  
5 together during the process of a trial or after the jury retires for  
6 deliberation shall be lawfully paid from the court fund.

7 D. A district judge who sits regularly in more than one county  
8 may employ only one full-time secretary-bailiff in the judicial  
9 district of the judge, and in any other county of the district the  
10 judge may engage a bailiff only on a part-time basis when such judge  
11 sits in the county as a judge pursuant to the procedures set forth  
12 by the Chief Justice in the administrative directive. The cost of  
13 the operation of the office of a district judge of a multi-county  
14 judicial district, including the purchase of equipment and supplies,  
15 may be apportioned among the counties of that judicial district, or  
16 appropriate division of that district, based upon the percentage of  
17 revenue collected by the courts of the district.

18 E. The Administrative Director of the Courts shall develop and  
19 promulgate job descriptions, salary schedules and time-keeping forms  
20 for part-time bailiff personnel. The Chief Justice of the Oklahoma  
21 Supreme Court, through the Office of the Administrative Director of  
22 the Courts, shall promulgate rules for the compensation for overtime  
23 for all secretary-bailiff and part-time bailiff personnel employed.

24

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

8       G. On October 1, 1989, the position of full-time bailiff shall  
9 be redesignated as the position of secretary-bailiff in accordance  
10 with the job descriptions, salary schedules, and procedures approved  
11 by the Chief Justice. Additional secretary-bailiff positions shall  
12 be created as funding and employee positions are available.  
13 Counties shall be allowed to provide additional support personnel to  
14 the judges sitting in such counties to the extent that funding is  
15 available.

16       H. Any secretary-bailiff, who is CLEET-certified as a basic  
17 peace officer, shall have and exercise all the powers and authority  
18 of a peace officer. The Office of the Administrative Director of  
19 the Courts shall promulgate rules which prescribe the duties for all  
20 CLEET-certified secretary-bailiffs. The provisions of this  
21 subsection will not entitle a CLEET-certified secretary-bailiff to  
22 participate in the Oklahoma Police Pension and Retirement System.

1 SECTION 5. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 91.7b of Title 20, unless there  
3 is created a duplication in numbering, reads as follows:

4       A. There is hereby created the Joint Committee on Judicial  
5 Vacancy Appointments. The Committee shall be responsible for  
6 providing the Governor with a list of five nominees for judicial  
7 appointment to each business court. The Governor shall appoint one  
8 of the five nominees to the business court to preside as the  
9 business court judge. The Committee shall consist of ten (10)  
10 members, to be appointed as follows:

11           1. Five members of the Senate to be appointed by the President  
12 Pro Tempore of the Oklahoma State Senate. Four of the members shall  
13 be from the majority party and one member shall be from the minority  
14 party; and

15           2. Five members of the Oklahoma House of Representatives to be  
16 appointed by the Speaker of the House of Representatives. Four of  
17 the members shall be from the majority party and one member shall be  
18 from the minority party;

19       B. The chairman and vice-chairman of the Committee shall be  
20 designated from the membership of the Committee by the Speaker of  
21 the House of Representatives and the President Pro Tempore of the  
22 Senate as provided for in this subsection. The President Pro  
23 Tempore of the Senate shall designate the initial chairman who shall  
24 serve until the convening of the First Regular Session of the 61st

1 Oklahoma Legislature. The Speaker of the House of Representatives  
2 shall designate the initial vice-chairman who shall serve until the  
3 convening of the First Regular Session of the 61st Oklahoma  
4 Legislature. Thereafter, the chairmanship shall alternate every two  
5 (2) years between the House of Representatives and the Senate,  
6 beginning with the convening of the First Regular Session of the  
7 Legislature.

8 C. All members of the Committee shall serve at the pleasure of  
9 the appointing authority.

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

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

14 F. A business court judge shall serve a term of eight (8)  
15 years, beginning September 1 of every even-numbered year and may be  
16 reappointed except as otherwise provided by this subsection. The  
17 first business court judge appointed to Business Court Division II  
18 shall serve a term of four (4) years beginning September 1 of every  
19 even-numbered year and may be reappointed. A business court judge  
20 shall take the constitutional oath of office required of appointed  
21 officers of this state and file the oath with the Secretary of  
22 State. If a vacancy occurs in an office of a business court judge,  
23 in the same manner as the original appointment, another person shall  
24 be appointed to serve for the remainder of the unexpired term. In

1 the event that the docket of a business court judge exceeds  
2 reasonable capacity, a district court judge may sit in designation  
3 temporarily as a business court judge to assist in caseload  
4 management. The designated district court judge shall have the same  
5 authority as the business court judge in relation to the cases  
6 assigned to them during such designation.

7 G. Each business court judge must meet the following  
8 requirements:

9 1. Be at least thirty-five (35) years of age;

10 2. Be a United States citizen; and

11 3. Be a licensed attorney in good standing in this state who  
12 has ten (10) or more years of experience in practicing complex civil  
13 business litigation, practicing business transaction law, serving as  
14 a judge of a court in this state with civil jurisdiction, or a  
15 combination of experience described by this paragraph.

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

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

23 1. Pursuant to the Oklahoma Uniform Arbitration Act, Section  
24 1851 et seq. of Title 12 of the Oklahoma Statutes;

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

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

5       4. Pursuant to the Oklahoma Uniform Commercial Code, Section 1-  
6       101 et seq. of Title 12A of the Oklahoma Statutes;

7       5. Pursuant to the Oklahoma General Corporation Act, Section  
8       1001 et seq. of Title 18 of the Oklahoma Statutes;

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

11      7. Pursuant to the Oklahoma Uniform Limited Partnership Act of  
12      2010, Section 500-101A, et seq. of Title 54 of the Oklahoma  
13      Statutes;

14      8. Pursuant to the Oklahoma Limited Liability Company Act,  
15      Section 2000 et seq. of Title 18 of the Oklahoma Statutes;

16      9. Shareholder and unitholder derivative actions;

17      10. That relate to the internal affairs of businesses,  
18      including, but not limited to, rights or obligations between or  
19      among business participants regarding the liability or indemnity of  
20      business participants, officers, directors, managers, trustees,  
21      controlling shareholders or members, or partners;

22      11. Arising under federal law over which courts of this state  
23      have concurrent jurisdiction;

24

1       12. Where the complaint includes a professional malpractice  
2 claim arising out of a business dispute;

3       13. Involving tort claims between or among two or more business  
4 entities or individuals as to their business or investment  
5 activities relating to contracts, transactions, or relationships  
6 between or among such entities or individuals;

7       14. For breach of contract, fraud, or misrepresentation between  
8 businesses arising out of business transactions or relationships;

9       15. Arising from e-commerce agreements; technology licensing  
10 agreements, including, but not limited to, software and  
11 biotechnology license agreements; or any other agreement involving  
12 the licensing of any intellectual property right, including, but not  
13 limited to, an agreement relating to patent rights;

14       16. Involving commercial real property; and

15       17. Involving claims that present sufficiently complex  
16 commercial issues that would have significant implications for the  
17 larger business community, including but not limited to, cases with  
18 subject matter that technically would render the case "excluded"  
19 pursuant to subsection F of this section, as recommended by the  
20 business court judge and as determined within the discretion of the  
21 Chief Justice.

22       B. Where any other relief is requested, the amount in  
23 controversy shall be at least Five Hundred Thousand Dollars  
24 (\$500,000.00) for claims under subsection A of this section and Five

1      Hundred Thousand Dollars (\$500,000.00) for claims in complex cases.

2      As used in this section, a "complex case" means an action that  
3      requires exceptional judicial management to avoid placing  
4      unnecessary burdens on the court or the litigants and to expedite  
5      the case, keep costs reasonable, and promote effective decision  
6      making by the court, the parties, and counsel. In deciding whether  
7      an action is a complex case, the court must consider, among other  
8      things, whether the action is likely to involve:

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

12            2. Management of a large number of witnesses or a substantial  
13     amount of documentary evidence;

14            3. Management of a large number of separately represented  
15     parties;

16            4. Multiple expert witnesses;

17            5. Coordination with related actions pending in one or more  
18     courts in other counties, states, or countries, or in a federal  
19     court;

20            6. Substantial post judgment judicial supervision; or

21            7. Legal or technical issues of complexity.

22            C. An action is provisionally a complex case if it involves one  
23     or more of the following types of claims:

24            1. Antitrust or trade regulation claims;

1       2. Intellectual property matters, such as trade secrets,  
2       copyrights, or patents;  
3  
4       3. Construction defect claims involving many parties or  
4       structures;  
5  
6       4. Securities claims or investment losses involving many  
parties;  
7  
8       5. Environmental or toxic tort claims involving many parties;  
9  
9       6. Product liability claims;  
10  
10      7. Claims involving mass torts;  
11  
11      8. Claims involving class actions;  
12  
12      9. Ownership or control of business claims; or  
13  
13      10. Insurance coverage claims arising out of any complex case  
described in paragraphs 1 through 9 of this subsection.

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

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

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

24       1. Residential landlord and tenant disputes;

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

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

6       4. Personal injury and wrongful death actions;

7       5. Matters involving domestic relations;

8       6. Matters arising under Title 58 of the Oklahoma Statutes  
9 relating to probate;

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

13       8. Foreclosures;

14       9. Individual consumer claims or transactions involving a  
15 retail customer of goods or services who uses or intends to use such  
16 goods or services primarily for personal, family, or household  
17 purposes; provided, however, that this paragraph shall not be  
18 construed to preclude the court from exercising jurisdiction over  
19 mass actions or class actions involving such individual consumer  
20 claims;

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

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

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

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

8                 1. An action within the jurisdiction of the business court may  
9 be filed in the business court. The filing party shall plead facts  
10 sufficient to establish venue in a county in a division of the  
11 business court. Venue may be established as provided by law or, if  
12 a written contract specifies a county as venue for the action, as  
13 provided by the contract;

14                 2. If the business court determines it does not have  
15 jurisdiction over the action, the business court shall:

- 16                     a. transfer the action to a district court in a county  
17                             with jurisdiction over the action, or  
18                     b. dismiss the action without prejudice to the rights of  
19                             the parties; and

20                 3. If the business court determines that the venue is improper  
21 as to the action, the business court shall transfer the action to  
22 the court of proper venue.

23             B. 1. A district court in this state may transfer an action to  
24 the business court division of proper venue if the district court

1 judge determines the business court has subject matter jurisdiction  
2 over the action.

3       2. A party to an action filed in a district court that is  
4 within the jurisdiction of the business court may remove the action  
5 to the business court. If the business court does not have  
6 jurisdiction of the action, the business court shall remand the  
7 action to the court in which the action was originally filed.

8       C. A party to an action filed in a district court of proper  
9 venue that is not within an operating division of the business  
10 court, or the judge of the court in which the action is filed, shall  
11 not remove or transfer the action to the business court.

12       D. A party may file an agreed notice of removal to the business  
13 court at any time during the pendency of the action. If all parties  
14 to the action have not agreed to remove the action, the notice of  
15 removal shall be filed:

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

20       2. If an application for temporary injunction is pending on the  
21 date the party requesting removal of the action discovered, or  
22 reasonably should have discovered, facts establishing the business  
23 court's jurisdiction over the action, not later than thirty (30)

1 days after the date the application is granted, denied, or denied as  
2 a matter of law.

3       E. The notice of removal shall be filed with the business court  
4 and the district court in which the action was originally filed. On  
5 receipt of the notice, the clerk of the court in which the action  
6 was originally filed shall immediately transfer the action to the  
7 business court in accordance with the Oklahoma Pleading Code,  
8 Section 2001 et seq. of Title 12 of the Oklahoma Statutes, and the  
9 court clerk shall assign the action to the appropriate division of  
10 the business court.

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

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

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

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

1       Business Court Division I shall be quartered in Oklahoma City at  
2 the Oklahoma Court of Civil Appeals. Business Court Division II  
3 shall be quartered in Tulsa at the Oklahoma Court of Civil Appeals.

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

7           A fee of Two Thousand Five Hundred Dollars (\$2,500.00) shall be  
8 charged and collected by the court clerk at the time of filing any  
9 lawsuit in a business court division established pursuant to Section  
10 1 of this act. A fee of Fifty Dollars (\$50.00) shall be charged and  
11 collected at the time of filing by the court clerk for any motion  
12 thereafter filed within the same lawsuit.

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

16           The Supreme Court is authorized to provide for electronic filing  
17 of documents in Oklahoma business courts. The Administrative Office  
18 of the Courts shall promulgate rules for the filing of documents  
19 transmitted by electronic device. Rules for electronic filing must  
20 have the approval of the Supreme Court.

21       SECTION 12. This act shall become effective November 1, 2025.  
22

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
OVERSIGHT, dated 03/04/2025 - DO PASS, As Amended.  
24