

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 632

By: Paxton

AS INTRODUCED

An Act relating to business courts; amending 20 O.S. 2021, Sections 91.7, 92.1A, 95.1, and 125, as amended by Section 2, Chapter 271, O.S.L. 2022 (20 O.S. Supp. 2024, Section 125), which relate to business court divisions, salaries, places of holding court, and office of secretary-bailiff; creating business court divisions in certain judicial districts; providing for salary of judge of business court; providing exception for location of holding court; authorizing secretary-bailiff for business court judges; updating statutory language; updating statutory reference; providing for appointment of business court judges by Governor; establishing qualifications for business court judges; specifying term; authorizing reappointment; requiring taking and filing of certain oath; specifying method of filling vacancies; authorizing temporary designation as business court judge under certain circumstances; specifying authority and jurisdiction of business court; establishing subject matter jurisdiction of business court; specifying amount in controversy jurisdiction; defining term; specifying types of claims determined to be complex claims; providing for supplemental jurisdiction over certain claims; authorizing remand upon certain objection; providing for filing with or transferring actions to business court; requiring transfer from business court upon certain determinations; authorizing removal of certain actions; prohibiting transfer or removal of certain actions to business court; establishing procedures for notice of removal; stating applicability of Oklahoma Pleading Code; establishing time limitation for disposition of certain trials; authorizing extension upon agreement of parties; providing for codification; and providing an effective date.

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

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

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

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

C. ~~The Supreme Court shall promulgate rules for the establishment and jurisdiction of the~~ Each business court divisions division created shall be categorized and named numerically.

Business Court Division I shall be located in Oklahoma County and quartered in Oklahoma City at the Court of Civil Appeals. Business Court Division II shall be located in Tulsa County and quartered in Tulsa at the Court of Civil Appeals.

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

1 Section 92.1A. For fiscal year 2021 and each fiscal year
2 thereafter, except as otherwise provided by the Board on Judicial
3 Compensation after ~~the effective date of this act~~ April 28, 2021,
4 the following judicial officers shall receive compensation for their
5 services, payable monthly as follows:

6 1. A judge of the district court shall receive an annual salary
7 of One Hundred Forty-five Thousand Five Hundred Sixty-seven Dollars
8 (\$145,567.00);

9 2. An associate district judge shall receive an annual salary
10 of One Hundred Thirty-four Thousand Two Hundred Sixty-one Dollars
11 (\$134,261.00); ~~and~~

12 3. A special judge shall receive an annual salary of One
13 Hundred Twenty-two Thousand Nine Hundred Fifty-four Dollars
14 (\$122,954.00); and

15 4. A business court judge shall receive an annual salary equal
16 to that of a United States district court judge.

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

19 Section 95.1. A. Unless and until the Supreme Court or the
20 ~~Presiding Judge~~ presiding judge of the judicial administrative
21 district provides otherwise, and excluding any business courts
22 established pursuant to Section 91.7 of this title, the ~~District~~
23 ~~Court~~ district court shall hold court in the county seat of every
24 county in the district, in any city where a ~~Superior Court~~ superior

1 court held sessions and at such other places within the district as
2 the district and associate district judges shall prescribe.

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

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

16 Section 125. A. In all counties of the state there is created
17 the office of secretary-bailiff for district judges and associate
18 district judges, and a secretary-bailiff for business court judges,
19 with each such secretary-bailiff to be appointed by order of the
20 district judge, ~~or~~ associate district judge, or business court judge
21 to serve at the will of the appointing judge as an unclassified
22 employee of the state exempt from the provisions of the Oklahoma
23 Merit System of Personnel Administration. The Chief Justice shall
24 approve by administrative directive the number and assignments of
25

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

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

22 C. No judge shall engage more than one full-time secretary-
23 bailiff at any given time except only during the progress of a jury
24 trial, when a part-time bailiff may be engaged subject to the

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

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

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

23 F. Persons employed by a county that does not meet the
24 requirements of Section 951 of Title 19 of the Oklahoma Statutes,

1 and who serve as full-time secretary-bailiffs or full-time bailiffs
2 shall be eligible to participate in the state retirement system and
3 state insurance programs and any other benefits as are provided to
4 state employees in the unclassified service. All part-time bailiff
5 personnel shall be compensated by the local court fund.

6 G. On October 1, 1989, the position of full-time bailiff shall
7 be redesignated as the position of secretary-bailiff in accordance
8 with the job descriptions, salary schedules, and procedures approved
9 by the Chief Justice. Additional secretary-bailiff positions shall
10 be created as funding and employee positions are available.

11 Counties shall be allowed to provide additional support personnel to
12 the judges sitting in such counties to the extent that funding is
13 available.

14 H. Any secretary-bailiff, who is ~~CLEET-certified~~ certified by
15 the Council on Law Enforcement Education and Training (CLEET) as a
16 basic peace officer, shall have and exercise all the powers and
17 authority of a peace officer. The Office of the Administrative
18 Director of the Courts shall promulgate rules which prescribe the
19 duties for all CLEET-certified secretary-bailiffs. The provisions
20 of this subsection will not entitle a CLEET-certified secretary-
21 bailiff to participate in the Oklahoma Police Pension and Retirement
22 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. 1. Each business court shall consist of one business court
5 judge to be appointed by the Governor.

6 2. A business court judge shall have the following
7 qualifications:

8 a. at least thirty-five (35) years of age,

9 b. United States citizen,

10 c. a licensed attorney in good standing in this state
11 with ten (10) or more years of experience in:

12 (1) practicing complex civil business litigation,

13 (2) practicing business transaction law,

14 (3) serving as a judge of a court in this state with
15 civil jurisdiction, and hearing a substantial
16 number of civil cases, or

17 (4) any combination of experience totaling ten (10)
18 years as described by divisions 1 through 3 of
19 this subparagraph.

20 B. 1. Beginning on the effective date of this act, a business
21 court judge shall serve for a term of six (6) years. A business
22 court judge may be reappointed. A business court judge shall take
23 the constitutional oath of office required of appointed officers of
24 this state and file the oath with the Secretary of State.

1 2. If a vacancy occurs in an office of a business court judge,
2 the Governor shall appoint, in the same manner as the original
3 appointment, another person to serve for the remainder of the
4 unexpired term.

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

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

14 A. When a business court division is created pursuant to
15 Section 91.7 of Title 20 of the Oklahoma Statutes, certain cases,
16 excluding arbitration cases, filed on or after January 1, 2026, may
17 be assigned to the business court docket. The business court shall
18 have the power to grant any relief that may be granted by a district
19 court and may exercise concurrent jurisdiction and the powers of a
20 court of equity, to the extent that such powers are exercised.
21 Notwithstanding the amount in controversy, where equitable relief is
22 requested in a business dispute, a business court may hear an
23 action:
24

- 1 1. Arising under the Uniform Arbitration Act, Section 1851 et
2 seq. of Title 12 of the Oklahoma Statutes;
- 3 2. Arising under the Uniform Commercial Code, Section 1-101 et
4 seq. of Title 12A of the Oklahoma Statutes;
- 5 3. Arising under the Oklahoma General Corporation Act, Section
6 1001 et seq. of Title 18 of the Oklahoma Statutes;
- 7 4. Arising under the Oklahoma Limited Liability Company Act,
8 Section 2000 et seq. of Title 18 of the Oklahoma Statutes;
- 9 5. Arising under the Oklahoma Revised Uniform Partnership Act,
10 Section 1-100 et seq. of Title 54 of the Oklahoma Statutes;
- 11 6. Arising under the Uniform Limited Partnership Act of 2010,
12 Section 500-101A et seq. of Title 54 of the Oklahoma Statutes;
- 13 7. Arising under the Oklahoma Uniform Securities Act of 2004,
14 Section 1-101 et seq. of Title 71 of the Oklahoma Statutes;
- 15 8. Arising under the Uniform Trade Secrets Act, Section 85 et
16 seq. of Title 78 of the Oklahoma Statutes;
- 17 9. Shareholder and unitholder derivative actions;
- 18 10. That relates to the internal affairs of businesses
19 including, but not limited to, rights or obligations between or
20 among business participants regarding the liability or indemnity of
21 business participants, officers, directors, managers, trustees,
22 controlling shareholders or members, or partners;
- 23 11. Where the complaint includes a professional malpractice
24 claim arising out of a business dispute;

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

5 13. For breach of contract, fraud, or misrepresentation between
6 businesses arising out of business transactions or relationships;

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

12 15. Involving commercial real property.

13 B. In an action where any other relief is requested, the amount
14 in controversy shall be at least:

15 1. Two Hundred Fifty Thousand Dollars (\$250,000.00) for claims
16 under subsection A of this section; or

17 2. Five Hundred Thousand Dollars (\$500,000.00) for claims in
18 complex cases as defined in subsection C of this section.

19 C. The business court shall have jurisdiction to hear complex
20 cases. For purposes of this act, "complex case" means an action
21 that requires exceptional judicial management to avoid placing
22 unnecessary burdens on the court or the litigants and to expedite
23 the case, keep costs reasonable, and promote effective decision-
24 making by the court, the parties, and counsel. In deciding whether

1 an action is a complex case, the court shall consider factors
2 including, but not limited to, whether the action is likely to
3 involve:

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

7 2. Management of a large number of witnesses or a substantial
8 amount of documentary evidence;

9 3. Management of a large number of separately represented
10 parties;

11 4. Multiple expert witnesses;

12 5. Coordination with related actions pending in one or more
13 courts in other counties, states, or countries, or in a federal
14 court;

15 6. Substantial post-judgment judicial supervision; or

16 7. Legal or technical issues of complexity.

17 D. An action is provisionally a complex case if it involves one
18 or more of the following types of claims:

19 1. Antitrust or trade regulation claims;

20 2. Intellectual property matters including, but not limited to,
21 trade secrets, copyrights, and patents;

22 3. Construction defect claims involving many parties or
23 structures;

1 4. Securities claims or investment losses involving many
2 parties;

3 5. Environmental or toxic tort claims involving many parties;

4 6. Product liability claims;

5 7. Mass tort claims;

6 8. Class actions;

7 9. Ownership or control of business claims; or

8 10. Insurance coverage claims.

9 E. Except as provided by subsection D of this section, the
10 business court shall have supplemental jurisdiction over any other
11 claim related to a case or controversy within the court's
12 jurisdiction that forms part of the same case or controversy. If a
13 party objects to the business court's supplemental jurisdiction over
14 other claims, the business court judge may remand those claims to
15 the district court.

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

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

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

1 a written contract specifies a county as venue for the action, as
2 provided by the contract;

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

5 a. transfer the action to a district court in a county
6 with jurisdiction over the action, or

7 b. dismiss the action without prejudice to the rights of
8 the parties; and

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

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

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

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

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

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

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

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

23 F. Unless otherwise provided in this section, all pleadings
24 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 Non-jury 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. This act shall become effective July 1, 2026.

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