

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 827

By: Gollihare

AS INTRODUCED

An Act relating to damages; amending 23 O.S. 2021, Section 61.2, which relates to limitation on noneconomic loss compensation; increasing maximum limitation on compensation for noneconomic loss; removing exceptions to limitation on noneconomic loss compensation; modifying definitions; modifying applicability of provisions; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 23 O.S. 2021, Section 61.2, is amended to read as follows:

Section 61.2. A. 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.

B. ~~Except as provided in subsection C of this section, in~~ 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 ~~Three Hundred Fifty Thousand Dollars (\$350,000.00)~~ Five Hundred Thousand Dollars (\$500,000.00),

1 regardless of the number of parties against whom the action is
2 brought or the number of actions brought.

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

9 ~~1. In reckless disregard for the rights of others;~~

10 ~~2. Grossly negligent;~~

11 ~~3. Fraudulent; or~~

12 ~~4. Intentional or with malice.~~

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

18 1. The total compensatory damages recoverable by the plaintiff;

19 2. That portion of the total compensatory damages representing
20 the plaintiff's economic loss; and

21 3. That portion of the total compensatory damages representing
22 the plaintiff's noneconomic loss; ~~and~~

23 ~~4. If alleged, whether the conduct of the defendant was or~~
24 ~~amounted to:~~

1 a. ~~reckless disregard for the rights of others,~~

2 b. ~~gross negligence,~~

3 c. ~~fraud, or~~

4 d. ~~intentional or malicious conduct.~~

5 ~~E.~~ D. In any civil action to recover damages arising from
6 claimed bodily injury, after the trier of fact makes the findings
7 required by subsection ~~D~~ C of this section, the court shall enter
8 judgment in favor of the plaintiff for economic damages in the
9 amount determined pursuant to paragraph 2 of subsection ~~D~~ C of this
10 section, and ~~subject to paragraph 4 of subsection D of this section,~~
11 the court shall enter a judgment in favor of the plaintiff for
12 noneconomic damages. ~~Except as provided in subsection C of this~~
13 ~~section, in~~ In no event shall a judgment for noneconomic damages
14 exceed the maximum recoverable amounts set forth in subsection B of
15 this section. Subsection B of this section shall be applied in a
16 jury trial only after the trier of fact has made its factual
17 findings and determinations as to the amount of the plaintiff's
18 damages.

19 ~~F.~~ E. In any civil action arising from claimed bodily injury
20 which is tried to a jury, the jury shall not be instructed with
21 respect to the limit on noneconomic damages set forth in subsection
22 B of this section, nor shall counsel for any party nor any witness
23 inform the jury or potential jurors of such limitations.

1 ~~G. F.~~ This section shall not apply to actions brought under The
2 Governmental Tort Claims Act or actions for wrongful death.

3 ~~H. G.~~ As used in this section:

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

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

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

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

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

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

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

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

1 ~~6.~~ "Noneconomic damages" means nonpecuniary harm that arises
2 from a bodily injury that is the subject of a civil action,
3 including damages for pain and suffering, loss of society,
4 consortium, companionship, care, assistance, attention, protection,
5 advice, guidance, counsel, instruction, training, education,
6 disfigurement, mental anguish and any other intangible loss; ~~and~~

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

16 ~~I.~~ H. This section shall apply to civil actions filed on or
17 after ~~November 1, 2011~~ November 1, 2025.

18 SECTION 2. This act shall become effective November 1, 2025.

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