

**Summary of Laws Effected by the Comprehensive Lawsuit Reform Act of 2009**

<b><u>12 O.S. §19</u></b>	<i>new</i> expert affidavits	requires expert affidavits in professional negligence cases
<b><u>12 O.S. §140.2</u></b>	<i>new</i> venue	requires courts to decline jurisdiction if action more appropriate for another forum
<b><u>12 O.S. §192</u></b>	<i>new</i> indigent certificate of merit	persons requesting indigent's exemption from filing affidavit of merit must apply to court clerk, pay \$40 fee, which may be deferred.
<b><u>12 O.S. §683</u></b>	voluntary dismissal	changes numbering
<b><u>12 O.S. §684</u></b>	voluntary dismissal	plaintiff may dismiss prior to pretrial, by agreement or order after pretrial, must pay defendants cost if refiled
<b><u>12 O.S. §727.1</u></b>	prejudgment interest	interest starts to accrue 24 months after suit filed
<b><u>12 O.S. §990.4</u></b>	Post-trial stays, appeal bonds	caps appeal bonds at \$25 million, no bond required in appeal of punitive damages, judgment may be stayed while appeal is pending in any court
<b><u>12 O.S. §993</u></b>	class actions	allows appeal of certain denied motions but only when class has been certified and only as part of appeal certifying class
<b><u>12 O.S. §994.1</u></b>	<i>new</i> Medicaid recovery	set formulas for Medicaid reimbursement on judgment or settlement
<b><u>12 O.S. §2004</u></b>	summons	summons must be served within 180 days of filing, presumptive dismissal if no service
<b><u>12 O.S. §2008</u></b>	statement of damages	require statement if damages in excess of \$75,000, requires specification of amount if less than \$75,000
<b><u>12 O.S. §2009</u></b>	motion to clarify damages	defendant may file motion to clarify damages to require defendant to show damages will not qualify for diversity jurisdiction
<b><u>12 O.S. §2011</u></b>	frivolous lawsuits	changed language for attorneys certifying case as non-frivolous
<b><u>12 O.S. §2023</u></b>	class actions	various changes, including court determines attorney fees if class members object
<b><u>12 O.S. §2056</u></b>	<i>new</i> summary judgment	must dismiss if "no genuine issue as to any material fact" (formerly "no dispute as to") requires any referenced document to be attached to supporting affidavit
<b><u>12 O.S. §2702</u></b>	expert testimony	adds conditions for relevancy of expert testimony
<b><u>12 O.S. §2703</u></b>	expert testimony	inadmissible evidence can't be introduced during expert testimony
<b><u>12 O.S. §3226</u></b>	statement of damages	plaintiff must provide computation of damages and supporting evidence within 60 days of filing
<b><u>12A O.S. §1 – 304</u></b>	duty of good faith	eliminates cause of action for breach of duty of good faith in contracts
<b><u>20 O.S. §56</u></b>	<i>new</i> indigent certificate of merit	required Supreme Court to set standard for indigent exemption to affidavit of merit
<b><u>23 O.S. §15</u></b>	joint and several liability	eliminates exception from several liability where joint tortfeasor has less than 50% of liability and no comparative negligence by plaintiff. Clarifies that only joint tortfeasor jointly liable when liability arises from that joint tortfeasor's willful or reckless conduct.
<b><u>23 O.S. §61.2</u></b>	<i>new</i> cap damages	caps non-economic damages at \$400,000
<b><u>36 O.S. §2211</u></b>	<i>new</i> indemnity fund	creates Health Care Indemnity Fund Task Force
<b><u>47 O.S. §11 – 1112</u></b>	seat belt	seat belt use inadmissible unless child under 16
<b><u>47 O.S. §12 – 420</u></b>	seat belt	seat belt use inadmissible unless child under 16
<b><u>63 O.S. §1 – 1709.1</u></b>	peer review statements inadmissible	revises and limits circumstances in which professional peer review statements are subject to discovery in medical malpractice cases
<b><u>63 O.S. §683.9</u></b>	emergency operations planning	minor changes – copy edits

63 O.S. §683.13 emergency management excludes volunteer health practitioners as defined in new Volunteer Practitioner Act

**Uniform Emergency Volunteer Health Practitioners Act**

63 O.S. §684.14 *new* volunteer health workers title  
63 O.S. §684.15 *new* volunteer health workers definitions  
63 O.S. §684.16 *new* volunteer health workers scope  
63 O.S. §684.17 *new* volunteer health workers grant authority  
63 O.S. §684.18 *new* volunteer health workers describes registration system  
63 O.S. §684.19 *new* volunteer health workers grants license reciprocity in emergency  
63 O.S. §684.2 *new* volunteer health workers clarifies scope of credentials  
63 O.S. §684.21 *new* volunteer health workers limits scope of practice  
63 O.S. §684.22 *new* volunteer health workers allows official inclusion of volunteer workers  
63 O.S. §684.23 *new* volunteer health workers authorizes Board of Health to promulgate rules  
63 O.S. §684.24 *new* volunteer health workers seeks uniformity among states  
76 O.S. §31 volunteer health workers grants limited immunity from liability

**Common Sense Consumption Act**

76 O.S. §33 *new* food products title  
76 O.S. §34 *new* food products purpose  
76 O.S. §35 *new* food products definitions  
76 O.S. §36 *new* food products limit liability and provide exemptions from limited liability  
76 O.S. §50.2 agri-tourism adds agri-tourism to ag business with liability immunity  
76 O.S. §51 *new* firearms firearms manufacturer liability immunity findings  
76 O.S. §52 *new* firearms firearms manufacturer liability immunity  
76 O.S. §53 *new* firearms firearms licensed dealer or collector liability immunity  
76 O.S. §54 *new* firearms exemptions  
76 O.S. §57 *new* product liability immunity for manufacturers of inherently unsafe products  
76 O.S. §58 *new* product liability product improvements are not evidence of prior culpability

**Asbestos and Silica Claims Priorities Act**

76 O.S. §60 *new* asbestos  
76 O.S. §61 *new* asbestos  
76 O.S. §62 *new* asbestos  
76 O.S. §63 *new* asbestos  
76 O.S. §64 *new* asbestos  
76 O.S. §65 *new* asbestos  
76 O.S. §66 *new* asbestos  
76 O.S. §67 *new* asbestos  
76 O.S. §68 *new* asbestos  
76 O.S. §69 *new* asbestos  
76 O.S. §70 *new* asbestos  
76 O.S. §71 *new* asbestos

**Innocent Successor Asbestos-Related Liability Fairness Act**

76 O.S. §72 *new* asbestos  
76 O.S. §73 *new* asbestos  
76 O.S. §74 *new* asbestos  
76 O.S. §75 *new* asbestos

<u>76 O.S. §76</u>	<i>new</i> asbestos	
<u>76 O.S. §77</u>	<i>new</i> asbestos	
<u>76 O.S. §78</u>	<i>new</i> asbestos	
<u>76 O.S. §79</u>	<i>new</i> asbestos	
<u>70 O.S. §6 – 101.7</u>	<i>new</i> educational institution representation	attorneys who represented school district in personnel hearings may not preside at hearings or influence related executive sessions

**School Protection Act**

<u>70 O.S. §6 – 140</u>	<i>new</i> school liability	title
<u>70 O.S. §6 – 141</u>	<i>new</i> school liability	purpose
<u>70 O.S. §6 – 142</u>	<i>new</i> school liability	definitions
<u>70 O.S. §6 – 143</u>	<i>new</i> school liability	criminalizes false accusations of criminal activity against education employee
<u>70 O.S. §6 – 144</u>	<i>new</i> school liability	award costs to prevailing party in action against school or staff, but not in actions between school and staff
<u>70 O.S. §6 – 145</u>	<i>new</i> school liability	insurers indemnity isn't waiver of defense
<u>70 O.S. §6 – 146</u>	<i>new</i> school liability	provides suspension of students who assault volunteers, does not bar criminal prosecution
<u>70 O.S. §6 – 147</u>	<i>new</i> school liability	provides leave of absence for education workers injured in assault
<u>70 O.S. §6 – 148</u>	<i>new</i> school liability	clarifies relationship with Governmental Tort Claims Act
<u>51 O.S. §155</u>	teacher liability	State not liable for claims resulting from reasonable force or resulting from out-of-school detention

**Repealed**

<u>6 O.S. §6602</u>	emergency health care	
<u>63 O.S. §1708.1E</u>	affidavit of merit	affidavit of merit in medical liability cases previously stricken as special law
<u>63 O.S. §1708.1G</u>	prejudgment interest	set prejudgment interest at U.S. Treasury Bill rate