

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3178

By: Virgin

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5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 95, as last amended by Section 1,
9 Chapter 378, O.S.L. 2017 (12 O.S. Supp. 2019, Section
10 95), which relates to limitations periods for certain
11 civil actions; updating language; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 95, as last
15 amended by Section 1, Chapter 378, O.S.L. 2017 (12 O.S. Supp. 2019,
16 Section 95), is amended to read as follows:

17 Section 95. A. Civil actions other than for the recovery of
18 real property can only be brought within the following periods,
19 after the cause of action shall have accrued, and not afterwards:

20 1. Within five (5) years: An action upon any contract,
21 agreement, or promise in writing;

22 2. Within three (3) years: An action upon a contract express
23 or implied not in writing; an action upon a liability created by
24 statute other than a forfeiture or penalty; and an action on a
foreign judgment;

1 3. Within two (2) years: An action for trespass upon real
2 property; an action for taking, detaining, or injuring personal
3 property, including actions for the specific recovery of personal
4 property; an action for injury to the rights of another, not arising
5 on contract, and not hereinafter enumerated; an action for relief on
6 the ground of fraud - the cause of action in such case shall not be
7 deemed to have accrued until the discovery of the fraud;

8 4. Within one (1) year: An action for libel, slander, assault,
9 battery, malicious prosecution, or false imprisonment; an action
10 upon a statute for penalty or forfeiture, except where the statute
11 imposing it prescribes a different limitation;

12 5. An action upon the official bond or undertaking of an
13 executor, administrator, guardian, sheriff, or any other officer, or
14 upon the bond or undertaking given in attachment, injunction,
15 arrest, or in any case whatever required by the statute, can only be
16 brought within five (5) years after the cause of action shall have
17 accrued;

18 6. An action based on intentional conduct brought by any person
19 for recovery of damages for injury suffered as a result of childhood
20 sexual abuse incidents or exploitation as defined by Section 1-1-105
21 of Title 10A of the Oklahoma Statutes or incest against the actual
22 perpetrator shall be commenced by the forty-fifth birthday of the
23 alleged victim. If the person committing the act of sexual abuse
24 against a child was employed by an institution, agency, firm,

1 business, corporation or other public or private legal entity that
2 owed a duty of care to the victim, or the accused and the child were
3 engaged in some activity over which the legal entity had some degree
4 of responsibility or control, the action must be brought against
5 such employer or legal entity within two (2) years; provided, that
6 the time limit for commencement of an action pursuant to this
7 paragraph is tolled for a child until the child reaches the age of
8 eighteen (18) years. No action may be brought against the alleged
9 perpetrator or the estate of the alleged perpetrator after the death
10 of such alleged perpetrator, unless the perpetrator was convicted of
11 a crime of sexual abuse involving the claimant. An action pursuant
12 to this paragraph must be based upon objective verifiable evidence
13 in order for the victim to recover damages for injuries suffered by
14 reason of such sexual abuse, exploitation, or incest. The victim
15 need not establish which act in a series of continuing sexual abuse
16 incidents, exploitation incidents, or incest caused the injury
17 complained of;

18 7. An action based on intentional conduct brought by any person
19 for recovery of damages for injury suffered as a result of criminal
20 actions, as defined by the Oklahoma Statutes, may be brought against
21 any person incarcerated or under the supervision of a state, federal
22 or local correctional facility on or after November 1, 2003:

23 a. at any time during the incarceration of the offender
24 for the offense on which the action is based, or

1 b. within five (5) years after the perpetrator is
2 released from the custody of a state, federal or local
3 correctional facility, if the defendant was serving
4 time for the offense on which the action is based;

5 8. An action to establish paternity and to enforce support
6 obligations can be brought any time before the child reaches the age
7 of eighteen (18) years;

8 9. An action to establish paternity can be brought by a child
9 in accordance with Section 7700-606 of Title 10 of the Oklahoma
10 Statutes;

11 10. Court-ordered child support is owed until it is paid in
12 full and it is not subject to a statute of limitations;

13 11. All actions filed by an inmate or by a person based upon
14 facts that occurred while the person was an inmate in the custody of
15 one of the following:

16 a. the State of Oklahoma,

17 b. a contractor of the State of Oklahoma, or

18 c. a political subdivision of the State of Oklahoma,

19 to include, but not be limited to, the revocation of earned credits
20 and claims for injury to the rights of another, shall be commenced
21 within one (1) year after the cause of action shall have accrued;

22 and
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1 12. An action for relief, not hereinbefore provided for, can
2 only be brought within five (5) years after the cause of action
3 shall have accrued.

4 B. Collection of debts owed by inmates who have received damage
5 awards pursuant to Section 566.1 of Title 57 of the Oklahoma
6 Statutes shall be governed by the time limitations imposed by that
7 section.

8 SECTION 2. This act shall become effective November 1, 2020.

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