

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 467

By: Daniels

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6 AS INTRODUCED

7 An Act relating to nuisance; defining term;
8 prohibiting nuisance action for certain activities
9 after specified time period; placing limitation on
award of noneconomic damages in certain actions;
10 providing for codification; and providing an
effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1.2 of Title 50, unless there is
15 created a duplication in numbering, reads as follows:

16 A. For the purposes of this section, "oil and gas activities"
17 includes but is not limited to oil and gas exploration, drilling,
18 fracture stimulation, completion, production, maintenance, plugging
19 and abandonment, produced water disposal, secondary recovery
20 operations, flow and gathering lines or pipeline infrastructure.

21 B. No action for nuisance shall be brought against oil and gas
22 activities which have lawfully been in operation for two (2) years
23 or more prior to the date of bringing the action. The established
24 date of operation is the date on which an oil and gas activity

1 commenced. The established date of operation for each change is not
2 a separately and independently established date of operation and
3 commencement of the expanded activity does not divest the farm or
4 ranch of a previously established date of operation if:

5 1. The physical facilities of the operation are subsequently
6 expanded or new technology adopted; or

7 2. Operation is interrupted for no more than three (3) years.

8 C. In any action for nuisance brought against oil and gas
9 activities on farm or ranch land pursuant to this section:

10 1. The court or jury shall determine the amount of noneconomic
11 damages separately from the amount of compensation for all other
12 damages; and

13 2. Noneconomic damages awarded to a plaintiff shall not exceed
14 the greater of three times the amount of compensatory damages or Two
15 Hundred Fifty Thousand Dollars (\$250,000.00).

16 SECTION 2. This act shall become effective November 1, 2021.

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