

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 1964

By: O'Donnell of the House

and

Newberry of the Senate

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6
7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 1557, which relates to receivers;
9 mandating receiver liability for willful misconduct
10 or gross negligence; allowing any party to motion for
11 receiver discipline or removal; directing court to
12 hold hearing within specified time; declaring civil
13 immunity for receiver; providing that immunity
14 afforded is supplementary; permitting court to award
15 attorney fees and expenses to receiver in certain
16 civil action; specifying receivers are subject to
17 investigation and discipline; providing an effective
18 date; and declaring an emergency.

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22 AMENDMENT NO. 1. Page 3, lines 1 and 2, strike the effective date
23 and the emergency clause

24 AMENDMENT NO. 2. Page 1, strike the title to read:

"[civil procedure - willful misconduct or gross
negligence - ~~effective date~~ -
emergency]"

1 Passed the Senate the 22nd day of April, 2015.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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9 Presiding Officer of the House
10 of Representatives
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15 attorney fees and expenses to receiver in certain
16 civil action; specifying receivers are subject to
17 investigation and discipline; providing an effective
18 date; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1557, is
21 amended to read as follows:

22 Section 1557. A. Whenever, in the exercise of its authority, a
23 court shall have ordered the deposit or delivery of money or other
24 thing, and the order is disobeyed, the court, besides punishing the
disobedience as for contempt, may make an order requiring the
sheriff to take the money, or thing, and deposit or deliver it, in
conformity with the direction of the court.

1 B. A receiver shall be held liable for acts which constitute
2 willful misconduct or gross negligence committed while serving as a
3 receiver.

4 C. Any party may motion the court for the removal or discipline
5 of a receiver for conduct that constitutes gross negligence or
6 willful misconduct. Upon the motion, the court shall conduct a
7 hearing on the motion within thirty (30) days and may remove the
8 receiver for any reason, including gross negligence or willful
9 misconduct.

10 D. 1. A receiver shall be immune from civil liability to the
11 same extent as a judge acting in a judicial capacity.

12 2. The immunity afforded by this section supplements any
13 immunity under the law.

14 3. If a person or legal entity commences a civil action against
15 a receiver arising from the services, actions or inactions regarding
16 the performance of the receiver's duties and the court determines
17 that the receiver is immune from liability for those alleged actions
18 or inactions, the court may award to the receiver reasonable
19 attorney fees and other reasonable expenses of litigation.

20 4. As appointed officers of the court and enjoying the immunity
21 set forth in paragraph 1 of this subsection, receivers shall also be
22 subject to investigation by the Council on Judicial Complaints and
23 discipline by the Court on the Judiciary or the Oklahoma Supreme
24 Court.

1 SECTION 2. This act shall become effective July 1, 2015.

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 Passed the House of Representatives the 3rd day of March, 2015.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2015.

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Presiding Officer of the Senate

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