

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1964

By: O'Donnell

7
8 COMMITTEE SUBSTITUTE

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

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

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

24 Section 1557. A. Whenever, in the exercise of its authority, a
court shall have ordered the deposit or delivery of money or other
thing, and the order is disobeyed, the court, besides punishing the
disobedience as for contempt, may make an order requiring the

1 sheriff to take the money, or thing, and deposit or deliver it, in
2 conformity with the direction of the court.

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

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

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

14 2. The immunity afforded by this section supplements any
15 immunity under the law.

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

23 4. As appointed officers of the court and enjoying the immunity
24 set forth in paragraph 1 of this subsection, receivers shall also be

1 subject to investigation by the Council on Judicial Complaints and
2 discipline by the Court on the Judiciary or the Oklahoma Supreme
3 Court.

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

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

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
11 dated 02/11/2015 - DO PASS, As Amended.

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