

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1415

By: West (Josh)

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7 AS INTRODUCED

8 An Act relating to trusts and pools; amending 79 O.S.  
9 2021, Sections 205 and 206, which relate to the  
10 Oklahoma Antitrust Reform Act; providing for accrual  
11 of cause of action; providing for enforcement of  
12 provisions by Attorney General; authorizing civil  
13 penalty; providing for apportionment of revenue to  
14 General Revenue Fund; prescribing standards for  
15 determination of penalty amount; and providing an  
16 effective date.

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

17 SECTION 1. AMENDATORY 79 O.S. 2021, Section 205, is  
18 amended to read as follows:

19 Section 205. A. 1. Any person who is injured, either directly  
20 or indirectly, in his or her business or property by a violation of  
21 this act, may obtain appropriate injunctive or other equitable  
22 relief and monetary damages and shall recover threefold the damages  
23 sustained, and the cost of suit, including a reasonable attorney  
24 fee. The Attorney General may bring ~~an~~ a civil action in the name

1 of the state, any governmental entity, or as parens patriae on  
2 behalf of natural persons residing in the state injured, either  
3 directly or indirectly, for appropriate injunctive or other  
4 equitable relief and to secure monetary damages for injury sustained  
5 by such natural persons to their business or property by reason of  
6 any violation of this act. The court shall exclude from the amount  
7 of the monetary damages awarded in such action any amount of  
8 monetary damages:

- 9 a. which duplicates amounts which have been awarded for  
10 the same injury, or
- 11 b. which is properly allocable to:
  - 12 (1) natural persons who have excluded their claims,  
13 and
  - 14 (2) any other persons.

15 The court shall award the state as parens patriae threefold the  
16 total damages sustained and the cost of suit, including a reasonable  
17 attorney fee. Whenever the state is hereafter injured in its  
18 business or property by anything forbidden in this act, it may  
19 obtain appropriate injunctive or other equitable relief and monetary  
20 damages therefor and shall recover actual damages by it sustained  
21 and the cost of suit including a reasonable attorney fee. The court  
22 may award under this section, pursuant to a motion by such person or  
23 the state, simple interest on actual damages for the period  
24 beginning on the date of service of such person's or the state's

1 pleading setting forth a claim under this act and ending on the date  
2 of judgment, or for any shorter period therein, if the court finds  
3 that the award of such interest for such period is just in the  
4 circumstances. The Attorney General may bring an action on behalf  
5 of either the state or a political subdivision of the state when  
6 either is injured in its business or property by anything forbidden  
7 by the provisions of this act.

8       2. In any civil action brought by the Attorney General as  
9 *parens patriae*, the Attorney General shall, at such times, in such  
10 manner, and with such content as the court may direct, cause notice  
11 thereof to be given by publication. Any person on whose behalf an  
12 action is brought may elect to exclude from adjudication the portion  
13 of the claim for monetary damages attributable to him or her by  
14 filing notice of this election with the court within the time  
15 specified in the notice given pursuant to this paragraph.

16       3. In a civil action brought by the Attorney General as *parens*  
17 *patriae*, the final judgment shall be *res judicata* as to any claim  
18 under this section by any person on behalf of whom the action was  
19 brought and who fails to give notice within the period specified in  
20 the notice given pursuant to paragraph 2 of this subsection.

21       B. Any person or governmental entity who or which obtains a  
22 judgment for damages under 15 U.S.C., Section 15 or any other  
23 provision of federal law comparable to this section may not recover  
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1 damages in a suit under this section based on substantially the same  
2 conduct that was the subject of the federal suit.

3 C. Any action to recover damages under this section is barred  
4 unless commenced within four (4) years after the claim accrued or  
5 was discovered, whichever is later.

6 For purposes of the Oklahoma Antitrust Reform Act, a cause of  
7 action accrues:

8 1. When the circumstances giving rise to the cause of action  
9 are discovered or should have been discovered in the exercise of  
10 reasonable diligence; or

11 2. On the date that the last in a series of acts or practices  
12 in violation of the Oklahoma Antitrust Reform Act occurred,  
13 including any acquisitions or series of acquisitions that, in the  
14 aggregate, may constitute a violation of the Oklahoma Antitrust  
15 Reform Act.

16 SECTION 2. AMENDATORY 79 O.S. 2021, Section 206, is  
17 amended to read as follows:

18 Section 206. A. Any person, other than a municipal  
19 corporation, who violates Section 3, 4, or 8 of Enrolled Senate Bill  
20 No. 1357 of the 2nd Session of the 46th Oklahoma Legislature is  
21 guilty of a Schedule G felony, if the offense occurs on or after the  
22 effective date of Section 20.1 of Title 21 of the Oklahoma Statutes.  
23 If the offense is committed prior to the effective date of Section  
24 20.1 of Title 21 of the Oklahoma Statutes, the crime shall be

1 punishable by incarceration in the custody of the Department of  
2 Corrections for not more than ten (10) years. A violator shall,  
3 upon conviction, be subject to a fine not to exceed Ten Thousand  
4 Dollars (\$10,000.00) per violation.

5 B. The Attorney General or any district attorney may file a  
6 criminal information or seek a criminal indictment to enforce the  
7 provisions of subsection A of this section.

8 C. The Attorney General may bring a civil action on behalf of  
9 the state to seek the imposition of a civil penalty for any  
10 violation of the Oklahoma Antitrust Reform Act. The court, upon  
11 finding a violation of the Oklahoma Antitrust Reform Act, shall  
12 impose a civil penalty to be paid to the General Revenue Fund of the  
13 state in an amount not to exceed One Million Dollars (\$1,000,000.00)  
14 for each such violation. In determining the amount of a civil  
15 penalty, the court shall consider, among other things:

- 16 1. The nature and extent of the violation;
- 17 2. The number of consumers affected by the violation;
- 18 3. Whether the violation was an isolated incident or a  
19 continuous pattern and practice of behavior;
- 20 4. Whether the violation was the result of willful conduct;
- 21 5. Whether the defendant took affirmative steps to conceal such  
22 violations; and

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1       6. Whether, given the size and wealth of the defendant, the  
2 civil penalty will be an effective deterrent against future  
3 violations.

4       SECTION 3. This act shall become effective November 1, 2025.

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6       60-1-11547       MAH       01/15/25

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