

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1833

By: McBride

7 COMMITTEE SUBSTITUTE

8 An Act relating to nuisances; defining oil and gas
9 activities; providing that no action for nuisance
10 shall be brought against oil and gas activities if
11 they have been in operation for more than two years;
12 providing exceptions; providing for damages;
13 providing for codification; and providing an
14 effective date.

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

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

18 A. "Oil and gas activities" includes, but is not limited to,
19 oil and gas exploration, drilling, fracture stimulation, completion,
20 production, maintenance, plugging and abandonment, produced water
21 disposal, secondary recovery operations, flow and gathering lines or
22 pipeline infrastructure.

23 B. No action for nuisance shall be brought against oil and gas
24 activities which have lawfully been in operation for two (2) years

1 or more prior to the date of bringing the action. The established
2 date of operation is the date on which an oil and gas activity
3 commenced. The established date of operation for each change is not
4 a separately and independently established date of operation and
5 commencement of the expanded activity does not divest the oil and
6 gas activities of a previously established date of operation if:

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

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

10 C. In any action for nuisance brought against oil and gas
11 activities pursuant to this section:

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

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

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

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