

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 712

By: Paxton

AS INTRODUCED

An Act relating to the Administrative Procedures Act; amending 75 O.S. 2021, Section 318, which relates to judicial review; requiring certain statutes and rules to be interpreted in certain manner; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 75 O.S. 2021, Section 318, is amended to read as follows:

Section 318. A. 1. Any party aggrieved by a final agency order in an individual proceeding is entitled to certain, speedy, adequate, and complete judicial review thereof pursuant to the provisions of this section and Sections 319, 320, 321, 322, and 323 of this title.

2. This section shall not prevent resort to other means of review, redress, relief, or trial de novo, available because of constitutional provisions.

3. Neither a motion for new trial nor an application for rehearing shall be prerequisite to secure judicial review.

1       4. In interpreting a statute or administrative rule, the  
2 reviewing court shall not defer to an administrative agency's  
3 interpretation of such statute or administrative rule and shall  
4 interpret such statute or agency rule de novo.

5       B. 1. The judicial review prescribed by this section for final  
6 agency orders, as to agencies whose final agency orders are made  
7 subject to review, under constitutional or statutory provisions, by  
8 appellate proceedings in the Supreme Court ~~of Oklahoma~~, shall be  
9 afforded by such proceedings taken in accordance with the procedure  
10 and under the conditions otherwise provided by law, but subject to  
11 the applicable provisions of Sections 319 through 324 of this title,  
12 and the rules of the Supreme Court.

13       2. In all other instances, proceedings for review shall be  
14 instituted by filing a petition, in the district court of the county  
15 in which the party seeking review resides or at the option of such  
16 party where the property interest affected is situated, naming as  
17 respondents only the agency, such other party or parties in the  
18 administrative proceeding as may be named by the petitioner or as  
19 otherwise may be allowed by law, within thirty (30) days after the  
20 appellant is notified of the final agency order as provided in  
21 Section 312 of this title.

22       C. Copies of the petition shall be delivered in person or  
23 mailed, postage prepaid, to the agency and all other parties of  
24 record, and proof of such delivery or mailing shall be filed in the

1 court within ten (10) days after the filing of the petition. Any  
2 party not named as a respondent in the petition is entitled to  
3 respond within ten (10) days of receipt of service. The court, in  
4 its discretion, may permit other interested persons to intervene.

5 D. In any proceedings for review brought by a party aggrieved  
6 by a final agency order:

7 1. The agency whose final agency order was made subject to  
8 review may be entitled to recover against such aggrieved party any  
9 court costs, witness fees, and reasonable attorney fees if the court  
10 determines that the proceeding brought by the party is frivolous or  
11 was brought to delay the effect of ~~said~~ the final agency order.

12 2. The party aggrieved by the final agency order may be  
13 entitled to recover against such agency any court costs, witness  
14 fees, and reasonable attorney fees if the court determines that the  
15 proceeding brought by the agency is frivolous.

16 SECTION 2. This act shall become effective November 1, 2025.

17  
18 60-1-1450 RD 1/15/2025 10:07:35 AM  
19  
20  
21  
22  
23  
24  
25