

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1964

By: O'Donnell of the House

and

Newberry of the Senate

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to civil procedure; amending 12 O.S.  
11 2011, Section 1557, which relates to receivers;  
12 mandating receiver liability for willful misconduct  
13 or gross negligence; providing for actual or punitive  
14 damages; specifying payment of damages; exempting  
15 liability of court for receiver actions; allowing any  
16 party to motion for receiver discipline or removal;  
17 directing court to hold hearing within specified  
18 time; declaring civil immunity for receiver;  
19 specifying attorney receivers may be subject to  
20 discipline under the Oklahoma Rules of Professional  
21 Conduct; providing an effective date; and declaring  
22 an emergency.

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

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

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

1 disobedience as for contempt, may make an order requiring the  
2 sheriff to take the money, or thing, and deposit or deliver it, in  
3 conformity with the direction of the court.

4 B. A receiver shall be held liable for any actual or punitive  
5 damages otherwise recoverable for acts which constitute willful  
6 misconduct or gross negligence committed while serving as a  
7 receiver. Actual damages shall be recoverable from proceeds from  
8 any applicable bond. The receiver shall be personally liable for  
9 any actual damages in excess of the bond amount and all punitive  
10 damages. In no event shall any punitive damages be recoverable from  
11 bond proceeds. In no event shall the court be liable for any act of  
12 the receiver.

13 C. Any party may motion the court for the removal or discipline  
14 of a receiver for conduct that constitutes willful misconduct or  
15 gross negligence. Upon the motion, the court shall conduct a  
16 hearing on the motion within thirty (30) days and may remove the  
17 receiver for any reason, including willful misconduct or gross  
18 negligence.

19 D. Except for the liability specified in subsection B of this  
20 section, a receiver acting in his or her capacity as a receiver  
21 shall be immune from civil liability to the same extent as a judge  
22 acting in a judicial capacity, in addition to any other immunity  
23 provided by law. If the receiver is a member of the Oklahoma Bar  
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1 Association, the receiver may also be subject to discipline under  
2 the Oklahoma Rules of Professional Conduct.

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

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

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