

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2525

By: **Bashore**

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to landlord and tenant; amending 41
10 O.S. 2011, Section 131, which relates to delinquent
11 rent; providing that late charges within certain
12 percentage of monthly rent not be a penalty; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 41 O.S. 2011, Section 131, is
16 amended to read as follows:

17 Section 131. A. If rent ~~is~~ and any late charge are unpaid when
18 due, the landlord may bring an action for recovery of the rent and
19 any late charge at any time thereafter or the landlord may wait
20 until the expiration of the period allowed for curing a default by
21 the tenant, as prescribed in subsection ~~B~~ C of this section, before
22 bringing such action.

23 B. A provision in a residential lease, providing for the
24 payment of an amount which shall be presumed to be the amount of

1 damages sustained by the landlord for the late payment of rent,
2 shall be held valid with no penalty, when such monthly amount does
3 not exceed twelve percent (12%) of the monthly amount of rent. In
4 the event such monthly amount of rent exceeds twelve percent (12%),
5 such provision shall be held invalid and subject to penalty unless
6 the party seeking to uphold the provision established that such
7 amount is reasonable.

8 C. A landlord may terminate a rental agreement for failure to
9 pay rent when due, if the tenant fails to pay the rent and any late
10 charge within five (5) days after written notice of landlord's
11 demand for payment. The notice may be given before or after the
12 landlord files any action authorized by subsection A of this
13 section. Demand for past due rent and any late charge is deemed a
14 demand for possession of the premises and no further notice to quit
15 possession need be given by the landlord to the tenant for any
16 purpose.

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

18
19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2021 - DO PASS,
20 As Amended and Coauthored.
21
22
23
24