

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1575

By: Kirt

AS INTRODUCED

An Act relating to forcible entry and detainer; amending 12 O.S. 2021, Sections 1148.4, 1148.5, 1148.5A, and 1148.16, as amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023, Section 1148.16), which relate to summons; extending time period for certain appearance; making language gender neutral; increasing time period for service of certain summons; conforming time periods for certain notice and hearing; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.4, is amended to read as follows:

Section 1148.4. The summons shall be issued and returned as in other cases, except that it shall command the sheriff, or other person serving it, to summon the defendant to appear for trial at the time and place specified therein, which time shall be not less than ~~five (5) days nor more than ten (10)~~ business days nor more than twenty (20) business days from the date that the summons is issued. The summons shall apprise the defendant of the nature of the claim that is being asserted ~~against him~~; and there shall be

1 endorsed upon the summons the relief sought and the amount for which  
2 the plaintiff will take judgment if the defendant fails to appear.  
3 In all cases, pleadings may be amended to conform to the evidence.

4 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.5, is  
5 amended to read as follows:

6 Section 1148.5. The summons may be served as in other cases  
7 except that such service shall be at least ~~three (3)~~ seven (7) days  
8 before the day of trial, and the return day shall not be later than  
9 the day of trial, and it may also be served by leaving a copy  
10 thereof with some person over fifteen (15) years of age, residing on  
11 the premises, at least ~~three (3)~~ seven (7) days before the day of  
12 trial; or, if service cannot be made by the exercise of reasonable  
13 diligence on the tenant or on any person over the age of fifteen  
14 (15) years residing on the premises, the same may be served by  
15 certified mail with return receipt postmarked at least ~~three (3)~~  
16 seven (7) days before the date of trial.

17 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1148.5A, is  
18 amended to read as follows:

19 Section 1148.5A. If, in the exercise of reasonable diligence,  
20 service cannot be made upon the defendant personally nor upon any  
21 person residing upon the premises over fifteen (15) years of age,  
22 then in lieu of service by certified mail, service may be obtained  
23 for the sole purpose of adjudicating the right to restitution of the  
24 premises by the sheriff's posting or by private process service

1 posting of ~~said~~ the summons conspicuously on the building on the  
2 premises, and, if there ~~be~~ is no building on ~~said~~ the premises, then  
3 by posting the same at some conspicuous place on the premises sought  
4 to be recovered at least ~~five (5)~~ seven (7) days prior to the date  
5 of trial, and by the claimant's mailing a copy of ~~said~~ the summons  
6 to the last-known address of the defendant by certified mail at  
7 least ~~five (5)~~ seven (7) days prior to ~~said~~ the date of trial. Such  
8 service shall confer no jurisdiction upon the court to render any  
9 judgment against the defendant for the payment of money nor for any  
10 relief other than the restoration of possession of the premises to  
11 the claimant, unless the defendant appears at trial. If the court  
12 only renders a judgment for restoration of possession of the  
13 premises, the claimant shall not be precluded from pursuing a  
14 subsequent action for the payment of rent. A judgment for forcible  
15 entry and detainer shall not preclude the property owner from  
16 pursuing a subsequent action for other monetary relief. Such  
17 service shall not be rendered ineffectual by the failure of the  
18 defendant to actually see or receive such posted process nor by the  
19 failure of the defendant to actually receive or sign a return  
20 receipt for such mailed process.

21 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1148.16, as  
22 amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,  
23 Section 1148.16), is amended to read as follows:  
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1 Section 1148.16. The summons to be issued in an action for  
2 forcible entry and detainer, commonly known as an eviction, shall be  
3 in a form developed in plain and understandable language by the  
4 Oklahoma Bar Association. The Administrative Office of the Courts  
5 shall provide public access to the affidavit by providing a link to  
6 the form on the Oklahoma State Courts Network (OSCN) website. The  
7 summons shall be delivered no less than ~~three (3)~~ seven (7) days  
8 before the scheduled time and date of the court hearing. This  
9 scheduled date and time shall not be less than ~~five (5)~~ ten (10)  
10 business days nor more than twenty (20) business days from the date  
11 the summons is issued.

12 SECTION 5. This act shall become effective November 1, 2024.

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