

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 SENATE BILL NO. 128

By: Kirt of the Senate

4 and

5 Pae of the House

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7
8 An Act relating to forcible entry and detainer;
9 amending 12 O.S. 2021, Sections 1148.4, 1148.5,
10 1148.5A, and 1148.16, as amended by Section 2,
11 Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024, Section
12 1148.16), which relate to summons; extending time
13 period for certain appearance; providing exceptions;
14 making language gender neutral; increasing time
15 period for service of certain summons; providing
16 exceptions; conforming time periods for certain
17 notice and hearing; providing exceptions; updating
18 statutory language; and providing an effective date.

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

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

22 Section 1148.4. The summons shall be issued and returned as in
23 other cases, except that it shall command the sheriff, or other
24 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) days~~ nor more than fifteen
(15) days from the date that the summons is issued; provided,

1 however, a trial for an action pursuant to subsection C or D of
2 Section 132 of Title 41 of the Oklahoma Statutes shall be not less
3 than five (5) days nor more than ten (10) days from the date the
4 summons is issued. The summons shall apprise the defendant of the
5 nature of the claim that is being asserted ~~against him~~; and there
6 shall be endorsed upon the summons the relief sought and the amount
7 for which the plaintiff will take judgment if the defendant fails to
8 appear. In all cases, pleadings may be amended to conform to the
9 evidence.

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

12 Section 1148.5. The summons may be served as in other cases
13 except that such service shall be at least ~~three (3)~~ seven (7) days
14 before the day of trial, and the return day shall not be later than
15 the day of trial, and it may also be served by leaving a copy
16 thereof with some person over fifteen (15) years of age, residing on
17 the premises, at least ~~three (3)~~ seven (7) days before the day of
18 trial; or, if service cannot be made by the exercise of reasonable
19 diligence on the tenant or on any person over the age of fifteen
20 (15) years residing on the premises, the same may be served by
21 certified mail with return receipt postmarked at least ~~three (3)~~
22 seven (7) days before the date of trial. Provided, service of a
23 summons for an action pursuant to subsection C or D of Section 132

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1 of Title 41 of the Oklahoma Statutes shall be at least three (3)
2 days before the date of trial.

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

5 Section 1148.5A. If, in the exercise of reasonable diligence,
6 service cannot be made upon the defendant personally nor upon any
7 person residing upon the premises over fifteen (15) years of age,
8 then in lieu of service by certified mail, service may be obtained
9 for the sole purpose of adjudicating the right to restitution of the
10 premises by the sheriff's posting or by private process service
11 posting of ~~said~~ the summons conspicuously on the building on the
12 premises, and, if there ~~be~~ is no building on ~~said~~ the premises, then
13 by posting the same at some conspicuous place on the premises sought
14 to be recovered at least ~~five (5)~~ seven (7) days prior to the date
15 of trial, and by the claimant's mailing a copy of ~~said~~ the summons
16 to the last-known address of the defendant by certified mail at
17 least ~~five (5)~~ seven (7) days prior to ~~said~~ the date of trial;
18 provided, however, such service for an action pursuant to subsection
19 C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be
20 posted at least five (5) days prior to the date of trial. Such
21 service shall confer no jurisdiction upon the court to render any
22 judgment against the defendant for the payment of money nor for any
23 relief other than the restoration of possession of the premises to
24 the claimant, unless the defendant appears at trial. If the court

1 only renders a judgment for restoration of possession of the
2 premises, the claimant shall not be precluded from pursuing a
3 subsequent action for the payment of rent. A judgment for forcible
4 entry and detainer shall not preclude the property owner from
5 pursuing a subsequent action for other monetary relief. Such
6 service shall not be rendered ineffectual by the failure of the
7 defendant to actually see or receive such posted process nor by the
8 failure of the defendant to actually receive or sign a return
9 receipt for such mailed process.

10 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1148.16, as
11 amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024,
12 Section 1148.16), is amended to read as follows:

13 Section 1148.16. The summons to be issued in an action for
14 forcible entry and detainer, commonly known as an eviction, shall be
15 in a form developed in plain and understandable language by the
16 Oklahoma Bar Association. The Administrative Office of the Courts
17 shall provide public access to the affidavit by providing a link to
18 the form on the Oklahoma State Courts Network (OSCN) website. The
19 summons shall be delivered no less than ~~three (3)~~ seven (7) days
20 before the scheduled time and date of the court hearing; provided,
21 however, a summons for an action pursuant to subsection C or D of
22 Section 132 of Title 41 of the Oklahoma Statutes shall be delivered
23 no less than three (3) days before the date of trial. This
24 scheduled date and time shall not be less than ~~five (5)~~ ten (10)

1 days nor more than fifteen (15) days from the date the summons is
2 issued; provided, however, the scheduled date and time for an action
3 pursuant to subsection C or D of Section 132 of Title 41 of the
4 Oklahoma Statutes shall not be less than five (5) days nor more than
5 ten (10) days from the date the summons is issued.

6 SECTION 5. This act shall become effective November 1, 2025.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 March 4, 2025 - DO PASS
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