

ENGROSSED HOUSE  
BILL NO. 1952

BY: PILGRIM of the HOUSE

and

SHEDRICK of the SENATE

AN ACT RELATING TO CIVIL PROCEDURE; AMENDING 12 O.S.

1991, SECTION 1751, WHICH RELATES TO SUITS

AUTHORIZED UNDER THE SMALL CLAIMS PROCEDURE;

EXPANDING SUITS PERMISSIBLE UNDER THE SMALL CLAIMS

PROCEDURE; SPECIFYING THAT CERTAIN RIGHTS OF

INSURERS ARE NOT AFFECTED BY CERTAIN SECTION;

PROVIDING FOR CODIFICATION; AND PROVIDING AN

EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 1751, is amended to read as follows:

Section 1751. A. The following suits may be brought under the small claims procedure:

1. Actions for the recovery of money based on contract or tort, including subrogation claims, but excluding libel or slander, in which the amount sought to be recovered, exclusive of attorneys fees and other court costs, does not exceed Two Thousand Five Hundred Dollars (\$2,500.00). Libel or slander actions may not be brought in the small claims court;

2. Actions to replevy personal property the value of which does not exceed Two Thousand Five Hundred Dollars (\$2,500.00). If the claims for possession of personal property and to recover money are pleaded in the alternative, the joinder of claims is permissible if neither the value of the property nor the total amount of money sought to be recovered, exclusive of attorneys fees and other costs, does exceed Two Thousand Five Hundred Dollars (\$2,500.00); and

3. Actions in the nature of interpleader, as provided for in Section 2022 of this title, in which the value of the money which is the subject of such action does not exceed Two Thousand Five Hundred Dollars (\$2,500.00).

B. No action may be brought under the small claims procedure by any collection agency, collection agent or any assignee of a claim, except that an action may be brought against an insurer by a health care provider as that term is defined in Section 6552 of Title 36 of the Oklahoma Statutes, who is an assignee of benefits available under an insurance policy, trust, plan or contract.

C. In those cases which are uncontested, the amount of attorneys fees allowed shall not exceed ten percent (10%) of the judgment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3624A of Title 36, unless there is created a duplication in numbering, reads as follows:

The provisions of Section 1751 of Title 12 of the Oklahoma Statutes shall not affect the right of an insurer to compensate a policyholder directly even where there is an assignment of benefits available under an insurance policy, trust, plan or contract.

SECTION 3. This act shall become effective September 1, 1992.

Passed the House of Representatives the 2nd day of March, 1992.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate