

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1952

BY: PILGRIM

AS INTRODUCED

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; 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 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 practitioner as that term is defined in Section 6054 of Title 36 of the Oklahoma Statutes, who is an assignee of benefits available under an insurance policy, 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. This act shall become effective September 1, 1992.

43-2-7292

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