

SHORT TITLE: Civil procedure; removing prohibition against collection agencies filing suit under the small claims procedure; effective date.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1262

By: Henry

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 1991, Section 1751, as last amended by Section 1, Chapter 136, O.S.L. 1995 (12 O.S. Supp. 1995, Section 1751), which relates to the Small Claims Procedure Act; removing prohibition against collection agencies filing suit under the small claims procedure; and providing effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 1751, as last amended by Section 1, Chapter 136, O.S.L. 1995 (12 O.S. Supp. 1995, 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 Four Thousand Five Hundred Dollars (\$4,500.00);

2. Actions to replevy personal property the value of which does not exceed Four Thousand Five Hundred Dollars (\$4,500.00). If the claims for possession of personal property and to recover money are pled 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 Four Thousand Five Hundred Dollars (\$4,500.00); 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 Four Thousand Five Hundred Dollars (\$4,500.00).

~~B. No action may be brought under the small claims procedure by any collection agency, collection agent, or assignee of a claim, except that an action may be brought against an insurer or third-party administrator 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 accident and health 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. This act shall become effective November 1, 1996.

45-2-2203

KSM