

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1322

By: Bastin

AS INTRODUCED

An Act relating to the Oklahoma Residential Landlord and Tenant Act; amending 41 O.S. 1991, Section 131, as amended by Section 6, Chapter 149, O.S.L. 1995 (41 O.S. Supp. 1996, Section 131), which relates to actions for delinquent rent; authorizing certain agents of landlord to appear in certain civil actions; requiring certain instrument for proof of authority; authorizing demand by certain parties or by the court for proof of authority; and providing an effective date.

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

SECTION 1. AMENDATORY 41 O.S. 1991, Section 131, as amended by Section 6, Chapter 149, O.S.L. 1995 (41 O.S. Supp. 1996, Section 131), is amended to read as follows:

Section 131. A. If rent is unpaid when due, the landlord may bring an action for recovery of the rent at any time thereafter or the landlord may wait until the expiration of the period allowed for curing a default by the tenant, as prescribed in subsection B of this section, before bringing such action.

B. A landlord may terminate a rental agreement for failure to pay rent when due, if the tenant fails to pay the rent within five

(5) days after written notice of landlord's demand for payment. The notice may be given before or after the landlord files any action authorized by subsection A of this section.

Demand for past due rent is deemed a demand for possession of the premises and no further notice to quit possession need be given by the landlord to the tenant for any purpose.

C. A landlord seeking to enforce remedies provided by the Oklahoma Residential Landlord and Tenant Act or seeking the collection of unpaid rent, or both, may designate an agent for the purpose of appearing at any judicial proceeding involving the remedy sought. Unless the agent is an attorney licensed to practice law in the state, the landlord shall provide the agent with a limited power of attorney, which shall be acknowledged before a person authorized to administer oaths or before a notary.

D. Upon request by an adverse party or by the court during the pendency of an action by a landlord as described by subsection C of this section, the agent shall furnish proof of authority to appear for the landlord and to act upon behalf of the landlord for purposes of prosecution, defense or settlement of any claim which may arise from the judicial proceeding. If the agent is an attorney licensed to practice law in the state, no such proof shall be required other than that provided by rules of the Oklahoma Supreme Court or rules of the district courts of the state.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5587

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