

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1669

By: Gilbert

AS INTRODUCED

An Act relating to landlord and tenant; requiring owners of certain real property to have registered agent for certain purposes; requiring real property owners to file certain form with county or municipal clerk; prescribing information required for form; requiring amendment of certain information; authorizing fees for filing of forms; prescribing penalty for failure to file documents; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 53 of Title 41, unless there is created a duplication in numbering, reads as follows:

A. Every owner of real property allowing a commercial or residential tenant to occupy the real property as a tenant at will, tenant for a term certain or any other form of tenancy, whether the agreement is written or not, shall have a registered agent for purposes of contacting the owner about the condition of the real property, activities of tenants or others in possession of the real

property or such other matters as may relate to the condition, ownership or use of the real property.

B. Each owner of real property described in subsection A of this section shall complete a form to be prescribed by an association the membership of which consists primarily of county clerks for filings with the county or municipal clerks for filings with a municipality. The form shall contain:

1. The legal name of the person or other legal entity holding title to the real property occupied by any person or other legal entity as a tenant;

2. A street or post office box address to which mail may be sent regarding the condition or use of the real property; and

3. The name, address and telephone number of a specific person, whether the owner of the real property or an agent of the owner, with authority to communicate with third parties about the real property, its condition and its use. The person shall reside in the county in which the real property is located.

C. The form required by subsection B of this section shall be filed with the county clerk of the county in which the real property is located if the property is situated in an unincorporated area or with the clerk of a municipality if the property is situated in a city or town.

D. Each owner of real property required to file the form prescribed by subsection B of this section shall be required to amend the information contained in the form within thirty (30) days after:

1. Real property which was not previously occupied by a tenant becomes occupied by a tenant;

2. A change in the identity of the owner of the real property;

3. A change in the identity of the tenant; or

4. A change in the identity, address or telephone number of an agent authorized to communicate about the real property.

E. The county clerk of each county or the clerk of a municipality shall be authorized to collect a fee of Five Dollars (\$5.00) for each original filing of the document required by subsection B of this section and a fee of One Dollar (\$1.00) for each document required to amend an original filing.

F. Failure of an owner to file the form required by subsection B of this section or failure to amend an original filing, if required, shall subject the owner to a civil penalty of Five Hundred Dollars (\$500.00) per occurrence. The fine shall be paid to the county general fund or the municipal general fund based upon the office in which the filing is required.

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

46-1-5395

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