

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1267

By: Mickle

AS INTRODUCED

An Act relating to contracts; amending 15 O.S. 1991, Section 721, which relates to receipt of unsolicited goods; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 15 O.S. 1991, Section 721, is amended to read as follows:

Section 721. No person, firm, partnership, association or corporation, or agent or employee thereof, shall, in any manner, or by any means, offer for sale in this state, goods, wares, or merchandise, where the offer includes the voluntary and unsolicited sending of ~~such~~ goods, wares, or merchandise not actually ordered or requested by the recipient, either ~~orally~~ verbally or in writing. The receipt of any ~~such~~ goods, wares, or merchandise shall for all purposes be deemed an unconditional gift to the recipient who may use or dispose of ~~such~~ the goods, wares, or merchandise in any manner ~~he~~ the recipient sees fit without any obligation on ~~his~~ the recipient's part to the sender. ~~Provided;~~ provided, however, that where solicited goods, wares, or merchandise are delivered to the wrong person by accident or by the mistake of the delivery or mail service, ~~such~~ delivery shall not constitute an offer subject to this act, ~~and;~~ provided further, that the provisions of this act shall not apply to goods of equal or greater value and at no additional cost, substituted for goods ordered or solicited by the recipient.

If after any ~~such~~ receipt deemed to be an unconditional gift under this section, the sender continues to send bill statements or

requests for payment with respect thereto, an action may be brought by the recipient to enjoin ~~such~~ that conduct, in which action there may also be awarded reasonable ~~attorneys'~~ attorney fees and costs to the prevailing party.

SECTION 2. This act shall become effective November 1, 2000.

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