

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 392

By: Smith

COMMITTEE SUBSTITUTE

An Act relating to landlord and tenant; amending 41 O.S. 1991, Section 102, as amended by Section 2, Chapter 149, O.S.L. 1995 (41 O.S. Supp. 2000, Section 102), which relates to Residential Landlord and Tenant Act; adding definitions; providing for the towing or storage of certain vehicles by landlord; excluding certain vehicles from coverage of act; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 41 O.S. 1991, Section 102, as amended by Section 2, Chapter 149, O.S.L. 1995 (41 O.S. Supp. 2000, Section 102), is amended to read as follows:

Section 102. Unless the context otherwise requires:

1. "Building and housing codes" include any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit;
2. "Deposit" includes any money or other property required by a landlord from a tenant as a security and which is to be returned to the tenant upon termination of the rental agreement, less any deductions properly made and allowed by this act;
3. "Dwelling unit" means a structure, or that part of a structure, which is used as a home, residence or sleeping place by one or more persons;
4. "Good faith" means honesty in fact in the conduct of the transaction concerned;

5. "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which it is a part, and it also means a manager of the premises who fails to comply with the disclosure provisions of Section ~~16~~ 116 of this ~~act~~ title;

6. "Nuisance vehicle" means any vehicle that is incapable of operating under its own power and is detrimental to the health, welfare or safety of persons in the community;

7. "Occupant" means any person who abides within a dwelling unit, but who is not a tenant or an unemancipated minor child of a tenant, and who is not legally obligated by the terms of a rental agreement;

~~7.~~ 8. "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest and any other legal or commercial entity;

~~8.~~ 9. "Owner" means one or more persons, jointly or severally, in whom is vested:

- a. all or any part of the legal title to the property, or
- b. all or part of the beneficial ownership and a right to present use and enjoyment of the property, and such term includes a mortgagee in possession;

~~9.~~ 10. "Person" includes an individual or organization;

~~10.~~ 11. "Premises" means a dwelling unit and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas and facilities held out for the use of the tenant generally or the use of which is promised to the tenant;

~~11.~~ 12. "Rent" means all payments, except deposits and damages, to be made to the landlord under the rental agreement;

~~12.~~ 13. "Rental agreement" means all agreements and valid rules and regulations adopted under Section ~~26~~ 126 of this ~~act~~ title, which establish, embody or modify the terms and conditions concerning the use and occupancy of a dwelling unit and premises;

~~13.~~ 14. "Roomer" or "boarder" is a tenant occupying a dwelling unit:

- a. which lacks at least one major bathroom or kitchen facility, such as a toilet, refrigerator or stove,
- b. in a building
  - (1) where one or more of such major facilities are supplied to be used in common by the occupants of the roomer or boarder's dwelling unit and one or more other dwelling units, and
  - (2) in which the landlord resides;

~~14.~~ 15. "Single-family residence" means a structure used and maintained as a single dwelling unit. A dwelling unit, including those with common walls, shall be deemed a single-family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit; ~~and~~

~~15.~~ 16. "Tenant" means any person entitled under a rental agreement to occupy a dwelling unit;

17. "Unauthorized vehicle" means a vehicle that is not registered to a tenant, an occupant or a known guest of a tenant, and has remained for more than seven (7) consecutive days on real property leased or rented by a landlord for residential purposes; and

18. "Vehicle" means any device for carrying passengers, livestock, goods, or equipment that moves on wheels or runners.

SECTION 2. This act shall become effective July 1, 2001.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.