

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 391

By: Smith

AS INTRODUCED

An Act relating to landlord and tenant; amending 41 O.S. 1991, Section 120, which relates to failure of landlord to deliver possession of dwelling; clarifying language; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 41 O.S. 1991, Section 120, is amended to read as follows:

Section 120. A. If the landlord fails to deliver possession of the dwelling unit to the tenant, rent abates until possession is delivered and the tenant may terminate the rental agreement by giving a written notice of such termination to the landlord, whereupon the landlord shall return all prepaid rent and deposit, or the tenant may, at ~~his~~ the tenant's option, demand performance of the rental agreement by the landlord and maintain an action for possession of the dwelling unit against any person wrongfully in possession and recover the actual damages sustained by ~~him~~ the tenant.

B. If a person's failure to deliver possession is willful and not in good faith, an aggrieved person may recover from that person an amount not more than twice the monthly rental as specified in the rental agreement, computed and prorated on a daily basis, for each month, or portion thereof, that said person wrongfully remains in possession.

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

48-1-388

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