

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 392

By: Smith

AS INTRODUCED

An Act relating to landlord and tenant; amending 41 O.S. 1991, Section 122, which relates to damage to or destruction of a dwelling; making language gender neutral; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 41 O.S. 1991, Section 122, is amended to read as follows:

Section 122. A. If the dwelling unit or premises are damaged or destroyed by fire or other casualty to an extent that enjoyment of the dwelling unit is substantially impaired, unless the impairment is caused by the deliberate or negligent act or omission of the tenant, a member of ~~his~~ the tenant's family, ~~his~~ the tenant's animal or pet or other person or animal on the premises with ~~his~~ the tenant's consent, the tenant may:

1. Immediately vacate the premises and notify the landlord in writing within one (1) week thereafter of ~~his~~ the tenant's intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating; or

2. If continued occupancy is possible, vacate any part of the dwelling unit rendered unusable by the fire or casualty, in which case the tenant's liability for rent is reduced in proportion to the diminution in the fair rental value of the dwelling unit.

B. If the rental agreement is terminated under this section the landlord shall return all deposits recoverable under Section ~~15~~ 115 of this ~~act~~ title and all prepaid and unearned rent. Accounting for

rent in the event of termination or apportionment shall be made as of the date of the fire or other casualty.

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

48-1-387

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