

ENROLLED HOUSE
BILL NO. 2106

By: Ingmire of the House

and

Wilkerson of the Senate

An Act relating to civil procedure; amending 12 O.S. 2001, Section 1751, as last amended by Section 13, Chapter 3, O.S.L. 2003 (12 O.S. Supp. 2003, Section 1751), which relates to small claims procedure; increasing maximum monetary amount permitted under the small claims procedure; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 1751, as last amended by Section 13, Chapter 3, O.S.L. 2003 (12 O.S. Supp. 2003, Section 1751), is amended to read as follows:

Section 1751. A. The following suits may be brought under the small claims procedure:

1. Actions for the recovery of money based on contract or tort, including subrogation claims, but excluding libel or slander, in which the amount sought to be recovered, exclusive of attorneys fees and other court costs, does not exceed ~~Four Thousand Five Hundred Dollars (\$4,500.00)~~ Six Thousand Dollars (\$6,000.00);

2. Actions to replevy personal property the value of which does not exceed ~~Four Thousand Five Hundred Dollars (\$4,500.00)~~ Six Thousand Dollars (\$6,000.00). If the claims for possession of personal property and to recover money are pled in the alternative, the joinder of claims is permissible if neither the value of the property nor the total amount of money sought to be recovered, exclusive of attorneys fees and other costs, exceeds ~~Four Thousand Five Hundred Dollars (\$4,500.00)~~ Six Thousand Dollars (\$6,000.00); and

3. Actions in the nature of interpleader, as provided for in Section 2022 of this title, in which the value of the money which is the subject of such action does not exceed ~~Four Thousand Five Hundred Dollars (\$4,500.00)~~ Six Thousand Dollars (\$6,000.00).

B. No action may be brought under the small claims procedure by any collection agency, collection agent, or assignee of a claim, except that an action may be brought against an insurer or third-party administrator by a health care provider as that term is defined in Section 6552 of Title 36 of the Oklahoma Statutes, who is an assignee of benefits available under an accident and health insurance policy, trust, plan, or contract.

C. In those cases which are uncontested, the amount of attorneys fees allowed shall not exceed ten percent (10%) of the judgment.

D. No action may be brought under the small claims procedure for any alleged claim against any city, county or state agency, or employee of a city, county or state agency, if the claim alleges matters arising from incarceration, probation, parole or community supervision.

E. No action by a plaintiff who is currently incarcerated in any jail or prison in the state may be brought against any person or entity under the small claims procedure.

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 9th day of March, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 5th day of April, 2004.

Presiding Officer of the Senate