ENROLLED SENATE
BILL NO. 1603

By: Crain of the Senate

and

Sullivan of the House

An Act relating to landlord and tenant; requiring tenant to provide specified information to landlord under certain circumstances; establishing procedures to dispose of property of deceased tenant; stating consequence of violation of certain procedures; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 130.1 of Title 41, unless there is created a duplication in numbering, reads as follows:

A. Upon written request of a landlord, the landlord's tenant shall:

1. Provide the landlord with the name, address, and telephone number of a person to contact in the event of the tenant's death; and

2. Sign a statement authorizing the landlord in the event of the tenant's death to:

a. grant to the person designated under paragraph 1 of this subsection access to the premises at a reasonable time and in the presence of the landlord or the landlord's agent,

b. allow the person designated under paragraph 1 of this subsection to remove any of the tenant's property found at the leased premises, and

c. refund the tenant's security deposit, less lawful deductions, to the person designated under paragraph 1 of this subsection.

B. A tenant may, without request from the landlord, provide the landlord with the information specified in subsection A of this section.

C. Except as provided in subsection D of this section, in the event of the death of a tenant who is the sole occupant of a rental dwelling:

1. The landlord may remove and store all property found in the tenant's leased premises;

2. The landlord shall turn over possession of the property to the person who was designated by the tenant under subsection A or B of this section or to any other person lawfully entitled to the property if the request is made prior to the property being discarded pursuant to paragraph 5 of this subsection;

3. The landlord shall refund the tenant's security deposit, less lawful deductions, including the cost of removing and storing the property, to the person designated under subsection A or B of this section or to any other person lawfully entitled to the refund;

4. Any person who removes property from the tenant's leased premises shall sign an inventory of the property being removed at the time of removal and submit the signed inventory to the landlord; and

5. The landlord may discard the property removed by the landlord from the tenant's leased premises if:

a. the landlord has mailed a written request by certified mail, return receipt requested, to the person designated under subsection A or B of this section, requesting that the property be removed,

b. the person failed to remove the property by the thirtieth day after the postmark date of the notice, and

c. the landlord, prior to the date of discarding the property, has not been contacted by anyone claiming the property.

D. In a written lease or other agreement, a landlord and a tenant may agree to a procedure different than the procedure in this section for removing, storing, or disposing of property in the leased premises of a deceased tenant.

E. If a tenant, after being furnished with a notice of request, knowingly violates subsection A of this section by failing to provide the required information and statement, the landlord shall have no responsibility after the tenant's death for removal, storage, disappearance, damage, or disposition of property in the tenant's leased premises.

F. If a landlord, after being furnished with a copy of this section, knowingly violates subsection C of this section, the landlord shall be liable to the estate of the deceased tenant for actual damages.

SECTION 2. This act shall become effective November 1, 2006.

Passed the Senate the 13th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the 3rd day of April, 2006.

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Presiding Officer of the House
of Representatives