

EHB 1346

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THE STATE SENATE  
Monday, April 4, 2005

ENGROSSED  
House Bill No. 1346  
As Amended

ENGROSSED HOUSE BILL NO. 1346 - By: SULLIVAN of the House and CRAIN of the Senate.

An Act relating to the Small Claims Procedure Act; amending 12 O.S. 2001, Section 1759, which relates to claims, counterclaims and setoffs in excess of a certain amount; modifying amount; **and providing an effective date.**

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 1759, is amended to read as follows:

Section 1759. A. Except as provided by subsection C of this section, if a claim, a counterclaim, or a setoff is filed, prior to the expiration of the time prescribed by Section 1758 of this title, for an amount in excess of ~~Four Thousand Five Hundred Dollars~~ ~~(\$4,500.00)~~ Six Thousand Dollars (\$6,000.00), the action shall be transferred to another docket of the district court unless both parties agree in writing and file said agreement with the papers in the action that said claim, counterclaim, or setoff shall be tried under the small claims procedure. If such an agreement has not been filed, a judgment in excess of ~~Four Thousand Five Hundred Dollars~~ ~~(\$4,500.00)~~ Six Thousand Dollars (\$6,000.00) may not be enforced for

1 the part that exceeds ~~Four Thousand Five Hundred Dollars (\$4,500.00)~~  
2 Six Thousand Dollars (\$6,000.00). If the action is transferred to  
3 another docket of the district court, the person whose claim  
4 exceeded ~~Four Thousand Five Hundred Dollars (\$4,500.00)~~ Six Thousand  
5 Dollars (\$6,000.00) shall deposit with the clerk the court costs  
6 that are charged in other cases, less any sums that have been  
7 already paid to the clerk, or the claim shall be dismissed and the  
8 remaining claims, if any, shall proceed under the small claims  
9 procedure.

10 B. If the action is transferred to another docket of the  
11 district court, the plaintiff shall file a petition that conforms to  
12 the standards for pleadings prescribed by the Oklahoma Pleading  
13 Code, Section 2001 et seq. of this title, within twenty (20) days  
14 from the timely filing of the claim, counterclaim, or setoff. The  
15 answer of the defendant shall be due within twenty (20) days after  
16 the filing of the petition and the reply of the plaintiff shall be  
17 due within ten (10) days after the answer is filed.

18 C. Except as provided by Section 1757 of this title, if a  
19 defendant does not file a counterclaim within the period prescribed  
20 by Section 1758 of this title, the action shall not be transferred  
21 to another docket of the district court.

22 **SECTION 2. This act shall become effective November 1, 2005.**

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-05 - DO  
24 PASS, As Amended.