

3 **Senate Bill No. 1603**

4 **As Amended**

5 SENATE BILL NO. 1603 - By: CRAIN of the Senate and SULLIVAN of the
6 House.

7 [landlord and tenant - procedures to dispose of property of
8 deceased tenant - codification - effective date]

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

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

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

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

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

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

1 b. allow the person designated under paragraph 1 of this
2 subsection to remove any of the tenant's property
3 found at the leased premises, and
4 c. refund the tenant's security deposit, less lawful
5 deductions, to the person designated under paragraph 1
6 of this subsection.

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

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

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

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

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

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

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

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

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

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

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

21 E. If a tenant, after being furnished with a copy of this
22 section, knowingly violates subsection A of this section, the
23 landlord shall have no responsibility after the tenant's death for

1 removal, storage, disappearance, damage, or disposition of property
2 in the tenant's leased premises.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-7-06 - DO PASS,
9 As Coauthored.