CS for HB 1284

THE HOUSE OF REPRESENTATIVES
Thursday, March 8, 2007

Committee Substitute for

House Bill No. 1284

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1284 - By: SHERRER of the House and BURRAGE of the Senate.

An Act relating to fences; prohibiting property owners under certain circumstances from damaging or removing fences or authorizing certain improvements until notice has been given to adjacent property owners; providing for method of notice; authorizing certain remedy; providing for attorney fees and costs; 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 150.1 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. If a survey obtained by a property owner reflects a property line across an existing boundary or division line fence, said property owner shall not damage or remove the existing fence or authorize the establishment, locating or relocating of any improvements, including utility installation on such property, until the adjacent property owner has been given notice. Said notice shall include a copy of the survey and shall be served in the same manner as provided for service of process in Section 2004 of Title 12 of the Oklahoma Statutes.

B. If no agreement has been reached by the adjoining property owners within thirty (30) days from receipt of the notice sent pursuant to subsection A of this section, the property owner may cause an action to be filed against the adjacent property owner in the district court in the county where the property is located to establish title to the parcel of property at issue. The district court shall enter such temporary relief as may be necessary to maintain the status quo during the pendancy of the action.

C. The prevailing party shall be entitled to an award of attorney fees and costs.

SECTION 2. This act shall become effective November 1, 2007.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY, dated 03-07-07 - DO PASS, As Amended and Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.