

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 716

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to landlord and tenant; amending 41
8 O.S. 2001, Section 132, which relates to tenant's
9 failure to comply with rental agreement; creating
10 misdemeanor; and providing an effective date.

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

12 SECTION 1. AMENDATORY 41 O.S. 2001, Section 132, is
13 amended to read as follows:

14 Section 132. A. Except as otherwise provided in the Oklahoma
15 Residential Landlord and Tenant Act, if there is a noncompliance by
16 the tenant with the rental agreement or with Section 127 of this
17 title which noncompliance can be remedied by repair, replacement of
18 a damaged item, or cleaning and the tenant fails to comply as
19 promptly as conditions require in the case of an emergency or within
20 ten (10) days after written notice served as provided in subsection
21 E of Section 111 of this title by the landlord specifying the breach
22 and requiring that the tenant remedy it within that period of time,
23 the landlord may enter the dwelling unit and cause the work to be
24 done in a workmanlike manner and thereafter submit the itemized bill

1 for the actual and reasonable cost or the fair and reasonable value
2 thereof as rent on the next date rent is due, or if the rental
3 agreement has terminated, for immediate payment. If the landlord
4 remedies the breach as provided in this subsection, the landlord may
5 not terminate the rental agreement by reason of the tenant's failure
6 to remedy the breach.

7 B. Except as otherwise provided in the Oklahoma Residential
8 Landlord and Tenant Act, if there is a material noncompliance by the
9 tenant with the rental agreement or with any provision of Section
10 127 of this title, the landlord may deliver to the tenant a written
11 notice served as provided in subsection E of Section 111 of this
12 title specifying the acts and omissions constituting the
13 noncompliance and that the rental agreement will terminate upon a
14 date not less than fifteen (15) days after receipt of the notice
15 unless remedied within ten (10) days. If the breach is not remedied
16 within ten (10) days from receipt of the notice, the rental
17 agreement shall terminate as provided in the notice. If within the
18 ten (10) days the tenant adequately remedies the breach complained
19 of, or if the landlord remedies the breach according to the
20 provisions of subsection A of this section, the rental agreement
21 shall not terminate by reason of the breach. Any subsequent breach
22 of the lease or noncompliance under this section shall be grounds,
23 upon written notice to the tenant, for immediate termination of the
24 lease.

1 C. Notwithstanding other provisions of this section, if there
2 is a noncompliance by the tenant with the rental agreement or with
3 any of the provisions of Section 127 of this title, which
4 noncompliance causes or threatens to cause imminent and irreparable
5 harm to the premises or to any person and which noncompliance is not
6 remedied by the tenant as promptly as conditions require after the
7 tenant has notice of it, the landlord may terminate the rental
8 agreement by immediately filing a forcible entry and detainer
9 action.

10 D. Any criminal activity that threatens the health, safety or
11 right of peaceful enjoyment of the premises by other tenants
12 committed by a tenant or by any member of the tenant's household or
13 any guest or other person under the tenant's control or is a danger
14 to the premises and any drug-related criminal activity on or near
15 the premises by the tenant or by any member of the tenant's
16 household or any guest or other person under the tenant's control
17 shall be grounds for immediate termination of the lease.

18 E. A tenant who causes damage or destruction to the property of
19 the landlord by a willful noncompliance with the rental agreement or
20 with Section 127 of this title that is not remedied pursuant to this
21 section shall be guilty of a misdemeanor.

22 SECTION 2. This act shall become effective November 1, 2009.

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