

ENROLLED SENATE
BILL NO. 1313

By: Crain of the Senate

and

Grau of the House

An Act relating to alternate delivery methods for service; amending 12 O.S. 2011, Section 2004.3, which relates to delivery methods; modifying requirements of persons authorized to accept certain service; creating certain presumption; and providing an effective date.

SUBJECT: Acceptance of service

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 2004.3, is amended to read as follows:

Section 2004.3 A. In lieu of mailing a copy of process or other papers by certified mail, return receipt requested and delivery restricted to the addressee as required or allowed by ~~Title 12 of the Oklahoma Statutes~~ this title, a party or attorney may send the same by commercial courier service, overnight delivery service, or other reliable personal delivery service to the party addressed, in each instance evidenced by a written or electronic receipt signed by the addressee showing to whom delivered, date of delivery, address where delivered, and person or entity effecting delivery. Acceptance of service by a person who is fifteen (15) years of age or older who resides at the defendant's dwelling house or usual place of abode shall constitute acceptance by the party addressed. A return receipt signed at a dwelling house or usual place of abode

shall be presumed to have been signed by a person who is fifteen (15) years of age or older who resides at that dwelling house or abode.

B. In lieu of mailing a copy of papers by ordinary mail as required or allowed by ~~Title 12 of the Oklahoma Statutes~~ this title, a party or attorney may send same by commercial courier service, overnight delivery service, or other reliable personal delivery service to the party addressed.

C. When one of the methods described in this section is utilized, all deadlines based upon service shall be calculated in the same manner as if the service had been by mail.

D. This section shall not apply to the filing of any document with a court clerk. The filing of documents with a court clerk remains governed by the Oklahoma Statutes and court rules.

E. In case of an entity described in division (3) of subparagraph c of paragraph 1 of subsection C of Section 2004 of this title, acceptance by any officer or by any employee of the registered office or principal place of business who is authorized to or who regularly receives certified mail shall constitute acceptance by the party addressed. A return receipt signed at such registered office or principal place of business shall be presumed to have been signed by an employee authorized to receive certified mail.

SECTION 2. This act shall become effective November 1, 2012.

Passed the Senate the 7th day of May, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 2nd day of April, 2012.

Presiding Officer of the House
of Representatives