

1 **SENATE FLOOR VERSION**

2 February 21, 2012

3 As Amended

4 SENATE BILL NO. 1313

5 By: Crain of the Senate

6 and

7 Grau of the House

8 **[ alternate delivery methods for service -  
9 requirements - creating presumption - effective  
10 date ]**

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

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

14 Section 2004.3. A. In lieu of mailing a copy of process or  
15 other papers by certified mail, return receipt requested and  
16 delivery restricted to the addressee as required or allowed by ~~Title~~  
17 ~~12 of the Oklahoma Statutes~~ this title, a party or attorney may send  
18 the same by commercial courier service, overnight delivery service,  
19 or other reliable personal delivery service to the party addressed,  
20 in each instance evidenced by a written or electronic receipt signed  
21 by the addressee showing to whom delivered, date of delivery,  
22 address where delivered, and person or entity effecting delivery.  
23 Acceptance or refusal of service by a person who is fifteen (15)  
24 years of age or older who resides at the defendant's dwelling house  
or usual place of abode shall constitute acceptance or refusal by

1 the party addressed. A return receipt signed at a dwelling house or  
2 usual place of abode shall be presumed to have been signed by a  
3 person who is fifteen (15) years of age or older who resides at that  
4 dwelling house or abode.

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

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

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

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

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

2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-14-12 - DO  
3 PASS, As Amended and Coauthored.

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