STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1313 By: Crain

AS INTRODUCED

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 or refuse certain service; creating certain presumption; and providing an effective date.

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 or refusal 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 or refusal 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 or refusal 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 or refusal 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.

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