

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2506

By: McDaniel (Randy) of the  
House

and

Newberry of the Senate

7 An Act relating to small claims; amending 12 O.S.  
2011, Section 1751, as amended by Section 1, Chapter  
8 282, O.S.L. 2012 (12 O.S. Supp. 2013, Section 1751),  
which relates to small claims procedure; permitting  
9 action brought by creditor if debt assigned in  
ordinary course of business prior to default; and  
10 providing an effective date.

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13 AMENDMENT NO. 1. Page 1, strike the title to read

14 "[ small claims - small claims procedure - effective  
date ]"

15 Passed the Senate the 15th day of April, 2014.

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18 \_\_\_\_\_  
Presiding Officer of the Senate

19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
20 2014.

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23 \_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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10 which relates to small claims procedure; permitting  
11 action brought by creditor if debt assigned in  
12 ordinary course of business prior to default; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1751, as  
16 amended by Section 1, Chapter 282, O.S.L. 2012 (12 O.S. Supp. 2013,  
17 Section 1751), is amended to read as follows:

18 Section 1751. A. The following suits may be brought under the  
19 small claims procedure:

20 1. Actions for the recovery of money based on contract or tort,  
21 including subrogation claims, but excluding libel or slander, in  
22 which the amount sought to be recovered, exclusive of attorney fees  
23 and other court costs, does not exceed Seven Thousand Five Hundred  
24 Dollars (\$7,500.00);

1           2. Actions to replevy personal property the value of which does  
2 not exceed Seven Thousand Five Hundred Dollars (\$7,500.00). If the  
3 claims for possession of personal property and to recover money are  
4 pled in the alternative, the joinder of claims is permissible if  
5 neither the value of the property nor the total amount of money  
6 sought to be recovered, exclusive of attorney fees and other costs,  
7 exceeds Seven Thousand Five Hundred Dollars (\$7,500.00); and

8           3. Actions in the nature of interpleader, as provided for in  
9 Section 2022 of this title, in which the value of the money which is  
10 the subject of such action does not exceed Seven Thousand Five  
11 Hundred Dollars (\$7,500.00).

12           B. No action may be brought under the small claims procedure by  
13 any collection agency, collection agent, or assignee of a claim,  
14 except that an action may be brought against an insurer or third-  
15 party administrator by a health care provider as that term is  
16 defined in Section 6552 of Title 36 of the Oklahoma Statutes, who is  
17 an assignee of benefits available under an accident and health  
18 insurance policy, trust, plan, or contract. A creditor who takes  
19 assignment of a debt in the ordinary course of business and prior to  
20 the debt being in default may bring an action under the small claims  
21 procedure after default and shall not be considered a collection  
22 agency, collection agent, or assignee of a claim.

23           C. In those cases which are uncontested, the amount of attorney  
24 fees allowed shall not exceed ten percent (10%) of the judgment.

1 D. No action may be brought under the small claims procedure  
2 for any alleged claim against any city, county or state agency, or  
3 employee of a city, county or state agency, if the claim alleges  
4 matters arising from incarceration, probation, parole or community  
5 supervision.

6 E. No action by a plaintiff who is currently incarcerated in  
7 any jail or prison in the state may be brought against any person or  
8 entity under the small claims procedure.

9 F. A small claims affidavit shall include a statement  
10 acknowledging that the plaintiff is disclaiming a right to a trial  
11 by jury on the merits of the case.

12 SECTION 2. This act shall become effective November 1, 2014.

13 Passed the House of Representatives the 24th day of February,  
14 2014.

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Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2014.

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Presiding Officer of the Senate