

05/15/2014 03:30:00 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2506

By: McDaniel (Randy) of the House and Newberry of the Senate

Title: Small claims; permitting action brought by certain creditor if debt assigned prior to default;
effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2506 CCR (A)
HOUSE CONFEREES

Cleveland, Bobby		Henke, Katie	
Matthews, Kevin	<hr/>	McBride, Mark	
McCall, Charles A.		McDaniel, Randy	
McNiel, Skye		Morrisette, Richard	<hr/>
Nollan, Jadine		Ortega, Charles	
Perryman, David L.	<hr/>	Roberts, Dustin	
Sears, Earl		Shelton, Mike	<hr/>
Trebilcock, John	<hr/>	Turner, Mike	

SENATE CONFEREES

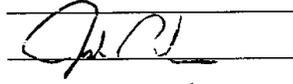
Newberry



Sykes



David



Brecheen

Sparks

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House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2506

By: McDaniel (Randy) of the
House

7 and

Newberry of the Senate

8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to small claims; amending 12 O.S.
12 2011, Section 1751, as amended by Section 1, Chapter
13 282, O.S.L. 2012 (12 O.S. Supp. 2013, Section 1751),
14 which relates to small claims procedure; removing
15 exclusion of libel or slander action; permitting
16 action brought by lienholder to a titled vehicle; and
17 providing an effective date.

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

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

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

24 1. Actions for the recovery of money based on contract or tort,
including subrogation claims, ~~but excluding libel or slander,~~ in

1 which the amount sought to be recovered, exclusive of attorney fees
2 and other court costs, does not exceed Seven Thousand Five Hundred
3 Dollars (\$7,500.00);

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

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

15 B. No action may be brought under the small claims procedure by
16 any collection agency, collection agent, or assignee of a claim,
17 except that an action may be brought against an insurer or third-
18 party administrator by a health care provider as that term is
19 defined in Section 6552 of Title 36 of the Oklahoma Statutes, who is
20 an assignee of benefits available under an accident and health
21 insurance policy, trust, plan, or contract. A lienholder to a
22 titled vehicle shall not be considered a collection agency,
23 collection agent, or assignee of a claim.

24

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

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

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

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

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

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16 54-2-11016 EK 05/12/14

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