HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2506 By: McDaniel (Randy)

AS INTRODUCED

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL SERVICES, dated 02/06/2014 - DO PASS.

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