

1 ENGROSSED HOUSE
2 BILL NO. 3281

By: Kannady of the House

3 and

4 David of the Senate
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7 An Act relating to forcible entry and detainer;
8 amending 12 O.S. 2011, Section 1148.5A, which relates
9 to constructive service of summons; updating
10 language; permitting subsequent action for monetary
11 relief if the court only renders judgment for
12 possession; and providing an effective date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1148.5A, is
15 amended to read as follows:

16 Section 1148.5A If, in the exercise of reasonable diligence,
17 service cannot be made upon the defendant personally nor upon any
18 person residing upon the premises over fifteen (15) years of age,
19 then in lieu of service by certified mail, service may be obtained
20 for the sole purpose of adjudicating the right to restitution of the
21 premises by the sheriff's posting or by private process service
22 posting of said summons conspicuously on the building on the
23 premises, and, if there be no building on said premises, then by
24 posting the same at some conspicuous place on the premises sought to
be recovered at least five (5) days prior to the date of trial, and

1 by the claimant's mailing a copy of said summons to the ~~defendant at~~
2 ~~his~~ last-known address of the defendant by certified mail at least
3 five (5) days prior to said date of trial. Such service shall
4 confer no jurisdiction upon the court to render any judgment against
5 the defendant for the payment of money nor for any relief other than
6 the restoration of possession of the premises to the claimant,
7 unless the defendant appears at trial. If the court only renders a
8 judgment for restoration of possession of the premises, the claimant
9 shall not be precluded from pursuing a subsequent action for the
10 payment of rent. A judgment for forcible entry and detainer shall
11 not preclude the property owner from pursuing a subsequent action
12 for other monetary relief. Such service shall not be rendered
13 ineffectual by the failure of the defendant to actually see or
14 receive such posted process nor by ~~his~~ the failure of the defendant
15 to actually receive or sign a return receipt for such mailed
16 process.

17 SECTION 2. This act shall become effective November 1, 2018.
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1 Passed the House of Representatives the 13th day of March, 2018.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

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8 Presiding Officer of the Senate