

An Act

ENROLLED HOUSE
BILL NO. 3281

By: Kannady of the House

and

David of the Senate

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

SUBJECT: Forcible entry and detainer

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

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

Section 1148.5A If, in the exercise of reasonable diligence,
service cannot be made upon the defendant personally nor upon any
person residing upon the premises over fifteen (15) years of age,
then in lieu of service by certified mail, service may be obtained
for the sole purpose of adjudicating the right to restitution of the
premises by the sheriff's posting or by private process service
posting of said summons conspicuously on the building on the
premises, and, if there be no building on said premises, then by
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
by the claimant's mailing a copy of said summons to the ~~defendant at~~
~~his~~ last-known address of the defendant by certified mail at least
five (5) days prior to said date of trial. Such service shall
confer no jurisdiction upon the court to render any judgment against
the defendant for the payment of money nor for any relief other than

the restoration of possession of the premises to the claimant, unless the defendant appears at trial. If the court only renders a judgment for restoration of possession of the premises, the claimant shall not be precluded from pursuing a subsequent action for the payment of rent. A judgment for forcible entry and detainer shall not preclude the property owner from pursuing a subsequent action for other monetary relief. Such service shall not be rendered ineffectual by the failure of the defendant to actually see or receive such posted process nor by ~~his~~ the failure of the defendant to actually receive or sign a return receipt for such mailed process.

SECTION 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 13th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____