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April 3, 2018

ENGROSSED 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.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
20 April 3, 2018 - DO PASS  
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