

1 ENGROSSED HOUSE  
2 BILL NO. 2395

By: Strom and Kannady of the  
House

3 and

4 Montgomery and Daniels of  
5 the Senate

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7  
8 An Act relating to landlord and tenant; amending 41  
9 O.S. 2011, Section 130, which relates to the Oklahoma  
10 Residential Landlord and Tenant Act; modifying  
11 disposition of abandoned personal property; and  
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 41 O.S. 2011, Section 130, is  
15 amended to read as follows:

16 Section 130. A. If the tenant abandons or surrenders  
17 possession of the dwelling unit or has been lawfully removed from  
18 the premises through eviction proceedings and leaves household  
19 goods, furnishings, fixtures, or any other personal property in the  
20 dwelling unit, the landlord may take possession of the property, and  
21 if, in the judgment of the landlord, the property has no  
22 ascertainable or apparent value, the landlord may dispose of the  
23 property without any duty of accounting or any liability to any  
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1 party. The landlord may dispose of perishable property in any  
2 manner the landlord considers fit.

3 B. If the tenant abandons or surrenders possession of the  
4 dwelling unit or has been lawfully removed from the premises through  
5 eviction proceedings and leaves household goods, furnishings,  
6 fixtures, or any other personal property in or around the dwelling  
7 unit, the landlord may take possession of the property, and if, in  
8 the judgment of the landlord the property has an ascertainable or  
9 apparent value, the landlord shall provide written notice to the  
10 tenant by certified mail to the last-known address that if the  
11 property is not removed within the time specified in the notice, the  
12 property will be deemed abandoned. Any property left with the  
13 landlord for a period of thirty (30) days or longer shall be  
14 conclusively determined to be abandoned and as such the landlord may  
15 dispose of said property in any manner which he or she deems  
16 reasonable and proper without liability to the tenant or any other  
17 interested party.

18 C. The landlord shall store all personal property of the tenant  
19 in a place of safekeeping and shall exercise reasonable care of the  
20 property. The landlord shall not be responsible to the tenant for  
21 any loss not caused by the landlord's deliberate or negligent act.  
22 The landlord may elect to store the property in the dwelling unit  
23 that was abandoned or surrendered by the tenant, in which event the  
24 storage cost may not exceed the fair rental value of the premises.

1 If the tenant's property is removed to a commercial storage company,  
2 the storage cost shall include the actual charge for the storage and  
3 removal from the premises to the place of storage.

4 D. If the tenant removes the personal property within the time  
5 limitations provided in this section, the landlord is entitled to  
6 the cost of storage for the period during which the property  
7 remained in the landlord's safekeeping plus all other costs that  
8 accrued under the rental agreement.

9 E. The landlord may not be held to respond in damages in an  
10 action by a tenant claiming loss by reason of the landlord's  
11 election to destroy, sell or otherwise dispose of the property in  
12 compliance with the provisions of this section. If, however, the  
13 landlord deliberately or negligently violated the provisions of this  
14 section, the landlord shall be liable for actual damages.

15 SECTION 2. This act shall become effective November 1, 2019.

16 Passed the House of Representatives the 4th day of March, 2019.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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Presiding Officer of the Senate

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