

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2393

 By: **Vancuren**

7 AS INTRODUCED

8 An Act relating to landlord and tenant; amending 41
9 O.S. 2011, Section 111, as amended by Section 1,
10 Chapter 294, O.S.L. 2016 (41 O.S. Supp. 2018, Section
11 111), which relates to termination of tenancy;
12 modifying mailing of notice; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 41 O.S. 2011, Section 111, as
16 amended by Section 1, Chapter 294, O.S.L. 2016 (41 O.S. Supp. 2018,
17 Section 111), is amended to read as follows:

18 Section 111. A. Except as otherwise provided in the Oklahoma
19 Residential Landlord and Tenant Act, when the tenancy is month-to-
20 month or tenancy at will, the landlord or tenant may terminate the
21 tenancy provided the landlord or tenant gives a written notice to
22 the other at least thirty (30) days before the date upon which the
23 termination is to become effective. The thirty-day period to
24

1 terminate shall begin to run from the date notice to terminate is
2 served as provided in subsection E of this section.

3 B. Except as otherwise provided in the Oklahoma Residential
4 Landlord and Tenant Act, when the tenancy is less than month-to-
5 month, the landlord or tenant may terminate the tenancy provided the
6 landlord or tenant gives to the other a written notice served as
7 provided in subsection E of this section at least seven (7) days
8 before the date upon which the termination is to become effective.

9 C. Unless earlier terminated under the provisions of the
10 Oklahoma Residential Landlord and Tenant Act or unless otherwise
11 agreed upon, a tenancy for a definite term expires on the ending
12 date thereof without notice.

13 D. If the tenant remains in possession without the landlord's
14 consent after the expiration of the term of the rental agreement or
15 its termination under the Oklahoma Residential Landlord and Tenant
16 Act, the landlord may immediately bring an action for possession and
17 damages. If the tenant's holdover is willful and not in good faith
18 the landlord may also recover an amount not more than twice the
19 average monthly rental, computed and prorated on a daily basis, for
20 each month or portion thereof that said tenant remains in
21 possession. If the landlord consents to the tenant's continued
22 occupancy, a month-to-month tenancy is thus created, unless the
23 parties otherwise agree.

1 E. The written notice, required by the Oklahoma Residential
2 Landlord and Tenant Act, to terminate any tenancy shall be served on
3 the tenant or landlord personally unless otherwise specified by law.
4 If the tenant cannot be located, service shall be made by delivering
5 the notice to any family member of such tenant over the age of
6 twelve (12) years residing with the tenant. If service cannot be
7 made on the tenant personally or on such family member, notice shall
8 be posted at a conspicuous place on the dwelling unit of the tenant.
9 If the notice is posted, a copy of such notice shall be mailed to
10 the tenant by certified mail or by mailing such notice through the
11 Firm Mailing Book for Accountable Mail as provided by the United
12 States Post Office. If service cannot be made on the landlord
13 personally, the notice shall be mailed to the landlord by certified
14 mail. For the purpose of this subsection, the word "landlord" shall
15 mean any person authorized to receive service of process and notice
16 pursuant to Section 116 of this title.

17 F. The provisions of this section shall not apply to an
18 occupant who has no rental agreement with the landlord and with whom
19 the landlord has not consented to creating a tenancy. A landlord
20 shall have the right to demand that such an occupant vacate the
21 dwelling unit or the premises or both and shall not be required to
22 commence eviction proceedings. If the occupant wrongfully fails to
23 comply within a reasonable time, the occupant shall, upon
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conviction, be guilty of a trespass and may be punished by a fine
not to exceed Five Hundred Dollars (\$500.00).

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/27/2019 - DO
PASS, As Coauthored.