

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3706

By: **Vancuren**

7 AS INTRODUCED

8 An Act relating to landlord and tenant; amending 41
9 O.S. 2011, Section 131, which relates to delinquent
10 rent; providing that late charges within certain
percentage of monthly rent not be a penalty; and
11 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 131, is
15 amended to read as follows:

16 Section 131. A. If rent and any late charge are unpaid when
17 due, the landlord may bring an action for recovery of the rent and
18 any late charge at any time thereafter or the landlord may wait
19 until the expiration of the period allowed for curing a default by
20 the tenant, as prescribed in subsection ~~B~~ C of this section, before
21 bringing such action.

22 B. A provision in a residential lease, providing for the
23 payment of an amount which shall be presumed to be the amount of
24 damages sustained by the landlord for the late payment of rent,

1 shall be held valid with no penalty, when such monthly amount does
2 not exceed ten percent (10%) of the monthly amount of rent. In the
3 event such monthly amount of rent exceeds ten percent (10%), such
4 provision shall be held invalid and subject to penalty unless the
5 party seeking to uphold the provision established that such amount
6 is reasonable.

7 C. A landlord may terminate a rental agreement for failure to
8 pay rent when due, if the tenant fails to pay the rent and any late
9 charge within five (5) days after written notice of landlord's
10 demand for payment. The notice may be given before or after the
11 landlord files any action authorized by subsection A of this
12 section. Demand for past due rent and any late charge is deemed a
13 demand for possession of the premises and no further notice to quit
14 possession need be given by the landlord to the tenant for any
15 purpose.

16 SECTION 2. This act shall become effective November 1, 2020.

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18 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/27/2020 - DO PASS,
19 As Coauthored.
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