

1 **SENATE FLOOR VERSION**

2 April 9, 2019

3 ENGROSSED HOUSE  
4 BILL NO. 2393

By: Vancuren of the House

and

Rosino of the Senate

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

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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  
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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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1 conviction, be guilty of a trespass and may be punished by a fine  
2 not to exceed Five Hundred Dollars (\$500.00).

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
5 April 9, 2019 - DO PASS  
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