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March 26, 2019

ENGROSSED HOUSE
BILL NO. 2395

By: Strom and Kannady of the
House

and

Montgomery and Daniels of
the Senate

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

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

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

Section 130. A. If the tenant abandons or surrenders possession of the dwelling unit or has been lawfully removed from the premises through eviction proceedings and leaves household goods, furnishings, fixtures, or any other personal property in the dwelling unit, the landlord may take possession of the property, and if, in the judgment of the landlord, the property has no ascertainable or apparent value, the landlord may dispose of the property without any duty of accounting or any liability to any

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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
17 March 26, 2019 - DO PASS
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