

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3022

By: Worthen

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 2021, Section 2004, which relates to service of process; adding methods of service; creating offense for employer preventing service; prescribing penalties; defining term; creating offense for employee preventing service at medical facility; prescribing penalties; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 2004, is amended to read as follows:

Section 2004.

PROCESS

A. SUMMONS: ISSUANCE. Upon filing of the petition, the clerk shall forthwith issue a summons. Upon request of the plaintiff separate or additional summons shall issue against any defendants.

B. SUMMONS: FORM.

1. The summons shall be signed by the clerk, be under the seal of the court, contain the name of the court and the names of the

1 parties, be directed to the defendant, state the name and address of
2 the plaintiff's attorney, if any, otherwise, the plaintiff's
3 address, and the time within which these rules require the defendant
4 to appear and defend, and shall notify the defendant that in case of
5 failure to appear, judgment by default will be rendered against the
6 defendant for the relief demanded in the petition.

7 2. A judgment by default shall not be different in kind from or
8 exceed in amount that prayed for in either the demand for judgment
9 or in cases not sounding in contract in a notice which has been
10 given the party against whom default judgment is sought. Except as
11 to a party against whom a judgment is entered by default, every
12 final judgment shall grant the relief to which the party in whose
13 favor it is rendered is entitled, even if the party has not demanded
14 such relief in his or her pleadings.

15 C. BY WHOM SERVED: PERSON TO BE SERVED.

16 1. SERVICE BY PERSONAL DELIVERY.

17 a. At the election of the plaintiff, process, other than
18 a subpoena, shall be served by a sheriff or deputy
19 sheriff, a person licensed to make service of process
20 in civil cases or a person specially appointed for
21 that purpose. The court shall freely make special
22 appointments to serve all process, other than a
23 subpoena, under this paragraph.
24

1 b. A summons to be served by the sheriff or deputy
2 sheriff shall be delivered to the sheriff by the court
3 clerk or an attorney of record for the plaintiff.
4 When a summons, subpoena or other process is to be
5 served by the sheriff or deputy sheriff of another
6 county, the court clerk shall mail it, together with
7 the voucher of the court clerk for the fees collected
8 for the service, to the sheriff of that county. The
9 sheriff shall deposit the voucher in the Sheriff's
10 Service Fee Account created pursuant to Section 514.1
11 of Title 19 of the Oklahoma Statutes. The sheriff or
12 deputy sheriff shall serve the process in the manner
13 that other process issued out of the court of the
14 sheriff's own county is served. A summons to be
15 served by a person licensed to make service of process
16 in civil cases or by a person specially appointed for
17 that purpose shall be delivered by an attorney of
18 record for the plaintiff to such person.

19 c. Service shall be made as follows:

20 (1) upon an individual other than an infant who is
21 less than fifteen (15) years of age or an
22 incompetent person, by delivering a copy of the
23 summons and of the petition personally or by
24 leaving copies thereof at the person's dwelling

1 house or usual place of abode with some person
2 then residing therein who is fifteen (15) years
3 of age or older ~~or~~, by delivering a copy of the
4 summons and of the petition to an agent
5 authorized by appointment or by law to receive
6 service of process, by delivering a copy of the
7 summons and of the petition personally at the
8 person's place of employment, or by delivering a
9 copy of the summons and of the petition
10 personally at a medical facility where that
11 person is a patient,

12 (2) upon an infant who is less than fifteen (15)
13 years of age, by serving the summons and petition
14 personally and upon either of the infant's
15 parents or guardian, or if they cannot be found,
16 then upon the person having the care or control
17 of the infant or with whom the infant lives; and
18 upon an incompetent person by serving the summons
19 and petition personally and upon the incompetent
20 person's guardian,

21 (3) upon a domestic or foreign corporation or upon a
22 partnership or other unincorporated association
23 which is subject to suit under a common name, by
24 delivering a copy of the summons and of the

petition to an officer, a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant,

(4) upon the United States or an officer or agency thereof in the manner specified by Federal Rule of Civil Procedure 4,

(5) upon a state, county, school district, public trust or municipal corporation or other governmental organization thereof subject to suit, by delivering a copy of the summons and of the petition to the officer or individual designated by specific statute; however, if there is no statute, then upon the chief executive officer or a clerk, secretary or other official whose duty it is to maintain the official records of the organization,

(6) upon an inmate incarcerated in an institution under the jurisdiction and control of the Department of Corrections, by delivering a copy of the summons and of the petition to the warden

or superintendent or the designee of the warden
or superintendent of the institution where the
inmate is housed. It shall be the duty of the
receiving warden or superintendent or a designee
to promptly deliver the summons and petition to
the inmate named therein. The warden or
superintendent or his or her designee shall
reject service of process for any inmate who is
not actually present in the institution, and
(7) upon an inmate incarcerated in a county jail or
detention center under the jurisdiction and
control of the county sheriff or the jail trust
of the county, by delivering a copy of the
summons and of the petition to the jail or
detention center administrator or the designee of
such administrator of the jail or detention
center where the inmate is housed. It shall be
the duty of the receiving jail or detention
center administrator or designee to promptly
deliver the summons and petition to the inmate
named therein. The jail or detention center
administrator or designee shall reject service of
process for any inmate who is not actually
present in the jail or detention center.

1 2. SERVICE BY MAIL.

2 a. At the election of the plaintiff, a summons and
3 petition may be served by mail by the plaintiff's
4 attorney, any person authorized to serve process
5 pursuant to subparagraph a of paragraph 1 of this
6 subsection or by the court clerk upon a defendant of
7 any class referred to in division (1), (3) or (5) of
8 subparagraph c of paragraph 1 of this subsection.

9 Service by mail shall be effective on the date of
10 receipt or if refused, on the date of refusal of the
11 summons and petition by the defendant.

12 b. Service by mail shall be accomplished by mailing a
13 copy of the summons and petition by certified mail,
14 return receipt requested and delivery restricted to
15 the addressee. When there is more than one defendant,
16 the summons and a copy of the petition or order shall
17 be mailed in a separate envelope to each defendant.
18 If the summons is to be served by mail by the court
19 clerk, the court clerk shall enclose the summons and a
20 copy of the petition or order of the court to be
21 served in an envelope, prepared by the plaintiff,
22 addressed to the defendant, or to the resident service
23 agent if one has been appointed. The court clerk
24 shall prepay the postage and mail the envelope to the

1 defendant, or service agent, by certified mail, return
2 receipt requested and delivery restricted to the
3 addressee. The return receipt shall be prepared by
4 the plaintiff. Service by mail to a garnishee shall
5 be accomplished by mailing a copy of the summons and
6 notice by certified mail, return receipt requested,
7 and at the election of the judgment creditor by
8 restricted delivery, to the addressee.

9 c. Service by mail shall not be the basis for the entry
10 of a default or a judgment by default unless the
11 record contains a return receipt showing acceptance by
12 the defendant or a returned envelope showing refusal
13 of the process by the defendant. Acceptance or
14 refusal of service by mail by a person who is fifteen
15 (15) years of age or older who resides at the
16 defendant's dwelling house or usual place of abode
17 shall constitute acceptance or refusal by the party
18 addressed. In the case of an entity described in
19 division (3) of subparagraph c of paragraph 1 of this
20 subsection, acceptance or refusal by any officer or by
21 any employee of the registered office or principal
22 place of business who is authorized to or who
23 regularly receives certified mail shall constitute
24 acceptance or refusal by the party addressed. A

1 return receipt signed at such registered office or
2 principal place of business shall be presumed to have
3 been signed by an employee authorized to receive
4 certified mail. In the case of a state municipal
5 corporation, or other governmental organization
6 thereof subject to suit, acceptance or refusal by an
7 employee of the office of the officials specified in
8 division (5) of subparagraph c of paragraph 1 of this
9 subsection who is authorized to or who regularly
10 receives certified mail shall constitute acceptance or
11 refusal by the party addressed. If delivery of the
12 process is refused, upon the receipt of notice of such
13 refusal and at least ten (10) days before applying for
14 entry of default, the person elected by plaintiff
15 pursuant to subparagraph a of this paragraph to serve
16 the process shall mail to the defendant by first-class
17 mail a copy of the summons and petition and a notice
18 prepared by the plaintiff that despite such refusal
19 the case will proceed and that judgment by default
20 will be rendered against him unless he appears to
21 defend the suit. Any default or judgment by default
22 shall be set aside upon motion of the defendant in the
23 manner prescribed in Section 1031.1 of this title, or
24 upon petition of the defendant in the manner

1 prescribed in Section 1033 of this title if the
2 defendant demonstrates to the court that the return
3 receipt was signed or delivery was refused by an
4 unauthorized person. A petition shall be filed within
5 one (1) year after the defendant has notice of the
6 default or judgment by default but in no event more
7 than two (2) years after the filing of the judgment.

8 3. SERVICE BY PUBLICATION.

9 a. Service of summons upon a named defendant may be made
10 by publication when it is stated in the petition,
11 verified by the plaintiff or the plaintiff's attorney
12 or in a separate affidavit by the plaintiff or the
13 plaintiff's attorney filed with the court, that with
14 due diligence service cannot be made upon the
15 defendant by any other method.

16 b. Service of summons upon the unknown successors of a
17 named defendant, a named decedent or a dissolved
18 partnership, corporation or other association may be
19 made by publication when it is stated in a petition,
20 verified by the plaintiff or the plaintiff's attorney
21 or in a separate affidavit by the plaintiff or the
22 plaintiff's attorney filed with the court, that the
23 person who verified the petition or the affidavit does
24

1 not know and with due diligence cannot ascertain the
2 following:

- 3 (1) whether a person named as defendant is living or
4 dead, and, if dead, the names or whereabouts of
5 the person's successors, if any,
- 6 (2) the names or whereabouts of the unknown
7 successors, if any, of a named decedent,
- 8 (3) whether a partnership, corporation or other
9 association named as a defendant continues to
10 have legal existence or not; or the names or
11 whereabouts of its officers or successors,
- 12 (4) whether any person designated in a record as a
13 trustee continues to be the trustee; or the names
14 or whereabouts of the successors of the trustee,
15 or
- 16 (5) the names or whereabouts of the owners or holders
17 of special assessment or improvement bonds, or
18 any other bonds, sewer warrants or tax bills.

19 c. Service pursuant to this paragraph shall be made by
20 publication of a notice, signed by the court clerk,
21 one (1) day a week for three (3) consecutive weeks in
22 a newspaper authorized by law to publish legal notices
23 which is published in the county where the petition is
24 filed. If no newspaper authorized by law to publish

1 legal notices is published in such county, the notice
2 shall be published in some such newspaper of general
3 circulation which is published in an adjoining county.
4 All named parties and their unknown successors who may
5 be served by publication may be included in one
6 notice. The notice shall state the court in which the
7 petition is filed and the names of the plaintiff and
8 the parties served by publication, and shall designate
9 the parties whose unknown successors are being served.
10 The notice shall also state that the named defendants
11 and their unknown successors have been sued and must
12 answer the petition on or before a time to be stated
13 (which shall not be less than forty-one (41) days from
14 the date of the first publication), or judgment, the
15 nature of which shall be stated, will be rendered
16 accordingly. If jurisdiction of the court is based on
17 property, any real property subject to the
18 jurisdiction of the court and any property or debts to
19 be attached or garnished must be described in the
20 notice.

21 (1) When the recovery of money is sought, it is not
22 necessary for the publication notice to state the
23 separate items involved, but the total amount
24 that is claimed must be stated. When interest is

1 claimed, it is not necessary to state the rate of
2 interest, the date from which interest is claimed
3 or that interest is claimed until the obligation
4 is paid.

5 (2) It is not necessary for the publication notice to
6 state that the judgment will include recovery of
7 costs in order for a judgment following the
8 publication notice to include costs of suit.

9 (3) In an action to quiet title to real property, it
10 is not necessary for the publication notice to
11 state the nature of the claim or interest of
12 either party, and in describing the nature of the
13 judgment that will be rendered should the
14 defendant fail to answer, it is sufficient to
15 state that a decree quieting plaintiff's title to
16 the described property will be entered. It is
17 not necessary to state that a decree forever
18 barring the defendant from asserting any interest
19 in or to the property is sought or will be
20 entered if the defendant does not answer.

21 (4) In an action to foreclose a mortgage, it is
22 sufficient that the publication notice state that
23 if the defendant does not answer, the defendant's
24 interest in the property will be foreclosed. It

1 is not necessary to state that a judgment forever
2 barring the defendant from all right, title,
3 interest, estate, property and equity of
4 redemption in or to the property or any part
5 thereof is requested or will be entered if the
6 defendant does not answer.

7 d. Service by publication is complete when made in the
8 manner and for the time prescribed in subparagraph c
9 of this paragraph. Service by publication shall be
10 proved by the affidavit of any person having knowledge
11 of the publication. No default judgment may be
12 entered on such service until proof of service by
13 publication is filed with and approved by the court.

14 e. Before entry of a default judgment or order against a
15 party who has been served solely by publication under
16 this paragraph, the court shall conduct an inquiry to
17 determine whether the plaintiff, or someone acting in
18 behalf of the plaintiff, made a distinct and
19 meaningful search of all reasonably available sources
20 to ascertain the whereabouts of any named parties who
21 have been served solely by publication under this
22 paragraph. Before entry of a default judgment or
23 order against the unknown successors of a named
24 defendant, a named decedent or a dissolved

1 partnership, corporation or association, the court
2 shall conduct an inquiry to ascertain whether the
3 requirements described in subparagraph b of this
4 paragraph have been satisfied.

5 f. A party against whom a default judgment or order has
6 been rendered, without other service than by
7 publication in a newspaper, may, at any time within
8 three (3) years after the filing of the judgment or
9 order, have the judgment or order set aside in the
10 manner prescribed in Sections 1031.1 and 1033 of this
11 title. Before the judgment or order is set aside, the
12 applicant shall notify the adverse party of the
13 intention to make an application and shall file a full
14 answer to the petition, pay all costs if the court
15 requires them to be paid and satisfy the court by
16 affidavit or other evidence that during the pendency
17 of the action the applicant had no actual notice
18 thereof in time to appear in court and make a defense.
19 The title to any property which is the subject of and
20 which passes to a purchaser in good faith by or in
21 consequence of the judgment or order to be opened
22 shall not be affected by any proceedings under this
23 subparagraph. Nor shall proceedings under this
24 subparagraph affect the title of any property sold

1 before judgment under an attachment. The adverse
2 party, on the hearing of an application to open a
3 judgment or order as provided by this subparagraph,
4 shall be allowed to present evidence to show that
5 during the pendency of the action the applicant had
6 notice thereof in time to appear in court and make a
7 defense.

8 g. The term "successors" includes all heirs, executors,
9 administrators, devisees, trustees and assigns,
10 immediate and remote, of a named individual,
11 partnership, corporation or association.

12 h. Service outside of the state does not give the court
13 in personal jurisdiction over a defendant who is not
14 subject to the jurisdiction of the courts of this
15 state or who has not, either in person or through an
16 agent, submitted to the jurisdiction of the courts of
17 this state.

18 4. SERVICE ON THE SECRETARY OF STATE.

19 a. Service of process on a domestic or foreign
20 corporation may be made by serving the Secretary of
21 State as the corporation's agent, if:

- 22 (1) there is no registered agent for the corporation
23 listed in the records of the Secretary of State,
24 or

1 (2) neither the registered agent nor an officer of
2 the corporation could be found at the registered
3 office of the corporation, when service of
4 process was attempted.

5 b. Before resorting to service on the Secretary of State
6 the plaintiff must have attempted service either in
7 person or by mail on the corporation at:

8 (1) the corporation's last-known address shown on the
9 records of the Franchise Tax Division of the
10 Oklahoma Tax Commission, if any is listed there,
11 and

12 (2) the corporation's last-known address shown on the
13 records of the Secretary of State, if any is
14 listed there, and

15 (3) the corporation's last address known to the
16 plaintiff.

17 If any of these addresses are the same, the plaintiff
18 is not required to attempt service more than once at
19 any address. The plaintiff shall furnish the
20 Secretary of State with a certified copy of the return
21 or returns showing the attempted service.

22 c. Service on the Secretary of State shall be made by
23 filing two (2) copies of the summons and petition with
24 the Secretary of State, notifying the Secretary of

1 State that service is being made pursuant to the
2 provisions of this paragraph, and paying the Secretary
3 of State the fee prescribed in paragraph 7 of
4 subsection A of Section 1142 of Title 18 of the
5 Oklahoma Statutes, which fee shall be taxed as part of
6 the costs of the action, suit or proceeding if the
7 plaintiff shall prevail therein. If a registered
8 agent for the corporation is listed in the records of
9 the Secretary of State, the plaintiff must also
10 furnish a certified copy of the return showing that
11 service on the registered agent has been attempted
12 either in person or by mail, and that neither the
13 registered agent nor an officer of the corporation
14 could be found at the registered office of the
15 corporation.

- 16 d. Within three (3) working days after receiving the
17 summons and petition, the Secretary of State shall
18 send notice by letter, certified mail, return receipt
19 requested, directed to the corporation at its
20 registered office or the last-known address found in
21 the office of the Secretary of State, or if no address
22 is found there, to the corporation's last-known
23 address provided by the plaintiff. The notice shall
24 enclose a copy of the summons and petition and any

1 other papers served upon the Secretary of State. The
2 corporation shall not be required to serve its answer
3 until forty (40) days after service of the summons and
4 petition on the Secretary of State.

5 e. Before entry of a default judgment or order against a
6 corporation that has been served by serving the
7 Secretary of State as its agent under this paragraph,
8 the court shall determine whether the requirements of
9 this paragraph have been satisfied. A default
10 judgment or order against a corporation that has been
11 served only by service on the Secretary of State may
12 be set aside upon motion of the corporation in the
13 manner prescribed in Section 1031.1 of this title, or
14 upon petition of the corporation in the manner
15 prescribed in Section 1033 of this title, if the
16 corporation demonstrates to the court that it had no
17 actual notice of the action in time to appear and make
18 its defense. A petition shall be filed within one (1)
19 year after the corporation has notice of the default
20 judgment or order but in no event more than two (2)
21 years after the filing of the default judgment or
22 order.

23 f. The Secretary of State shall maintain an alphabetical
24 record of service setting forth the name of the

1 plaintiff and defendant, the title, docket number and
2 nature of the proceeding in which the process has been
3 served upon the defendant, the fact that service has
4 been effected pursuant to the provisions of this
5 paragraph, the return date thereof and the date when
6 the service was made. The Secretary of State shall
7 not be required to retain this information for a
8 period longer than five (5) years from receipt of the
9 service of process.

10 g. The provisions of this paragraph shall not apply to a
11 foreign insurance company doing business in this
12 state.

13 5. SERVICE BY ACKNOWLEDGMENT. An acknowledgment on the back of
14 the summons or the voluntary appearance of a defendant is equivalent
15 to service.

16 6. SERVICE BY OTHER METHODS. If service cannot be made by
17 personal delivery or by mail, a defendant of any class referred to
18 in division (1) or (3) of subparagraph c of paragraph 1 of this
19 subsection may be served as provided by court order in a manner
20 which is reasonably calculated to give the defendant actual notice
21 of the proceedings and an opportunity to be heard and upon filing an
22 affidavit by the plaintiff or plaintiff's attorney that with due
23 diligence service cannot otherwise be made upon the defendant.

1 7. NO SERVICE BY PRISONER. No prisoner in any jail, Department
2 of Corrections facility, private prison, or parolee or probationer
3 under supervision of the Department of Corrections shall be
4 appointed by any court to serve process on any defendant, party or
5 witness.

6 D. SUMMONS AND PETITION. The summons and petition shall be
7 served together. The plaintiff shall furnish the person making
8 service with such copies as are necessary. The failure to serve a
9 copy of the petition with the summons is not a ground for dismissal
10 for insufficiency of service of process, but on motion of the party
11 served, the court may extend the time to answer or otherwise plead.
12 If a summons and petition are served by personal delivery, the
13 person serving the summons shall state on the copy that is left with
14 the person served the date that service is made. This provision is
15 not jurisdictional, but if the failure to comply with it prejudices
16 the party served, the court, on motion of the party served, may
17 extend the time to answer or otherwise plead.

18 E. SUMMONS: TERRITORIAL LIMITS OF EFFECTIVE SERVICE.

19 1. Service of the summons and petition may be made anywhere
20 within this state in the manner provided by subsection C of this
21 section.

22 2. When the exercise of jurisdiction is authorized by
23 subsection F of this section, service of the summons and petition
24 may be made outside this state:

- a. by personal delivery in the manner prescribed for service within this state,
- b. in the manner prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction,
- c. in the manner prescribed by paragraph 2 of subsection C of this section,
- d. as directed by the foreign authority in response to a letter rogatory,
- e. in the manner prescribed by paragraph 3 of subsection C of this section only when permitted by subparagraphs a and b of paragraph 3 of subsection C of this section, or
- f. as directed by the court.

3. Proof of service outside this state may be made in the manner prescribed by subsection G of this section, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction.

4. Service outside this state may be made by an individual permitted to make service of process under the law of this state or under the law of the place in which the service is made or who is designated to make service by a court of this state.

1 5. When subsection C of this section requires that in order to
2 effect service one or more designated individuals be served, service
3 outside this state under this section must be made upon the
4 designated individual or individuals.

5 6. a. A court of this state may order service upon any
6 person who is domiciled or can be found within this
7 state of any document issued in connection with a
8 proceeding in a tribunal outside this state. The
9 order may be made upon application of any interested
10 person or in response to a letter rogatory issued by a
11 tribunal outside this state and shall direct the
12 manner of service.

13 b. Service in connection with a proceeding in a tribunal
14 outside this state may be made within this state
15 without an order of court.

16 c. Service under this paragraph does not, of itself,
17 require the recognition or enforcement of an order,
18 judgment or decree rendered outside this state.

19 F. ASSERTION OF JURISDICTION. A court of this state may
20 exercise jurisdiction on any basis consistent with the Constitution
21 of this state and the Constitution of the United States.

22 G. RETURN.

23 1. The person serving the process shall make proof of service
24 thereof to the court promptly and in any event within the time

1 during which the person served must respond to the process, but the
2 failure to make proof of service does not affect the validity of the
3 service.

4 2. When process has been served by a sheriff or deputy sheriff
5 and return thereof is filed in the office of the court clerk, a copy
6 of the return shall be sent by the court clerk to the plaintiff's
7 attorney within three (3) days after the return is filed. If
8 service is made by a person other than a sheriff or deputy sheriff,
9 the licensed process server shall make affidavit thereof. The
10 return shall set forth the county of issuance, the name of the
11 person served and the date, place and method of service.

12 3. If service was by mail, the person mailing the summons and
13 petition shall endorse on the copy of the summons or order of the
14 court that is filed in the action the date and place of mailing and
15 the date when service was receipted or service was rejected, and
16 shall attach to the copy of the summons or order a copy of the
17 return receipt or returned envelope, if and when received, showing
18 whether the mailing was accepted, refused or otherwise returned. If
19 the mailing was refused, the return shall also show the date and
20 place of any subsequent mailing pursuant to paragraph 2 of
21 subsection C of this section. When the summons and petition are
22 mailed by the court clerk, the court clerk shall notify the
23 plaintiff's attorney within three (3) days after receipt of the
24

1 returned card or envelope showing that the card or envelope has been
2 received.

3 H. AMENDMENT. At any time in its discretion and upon such
4 terms as it deems just, the court may allow any process or proof of
5 service thereof to be amended, unless it clearly appears that
6 material prejudice would result to the substantial rights of the
7 party against whom the process issued.

8 I. SUMMONS: TIME LIMIT FOR SERVICE. If service of process is
9 not made upon a defendant within one hundred eighty (180) days after
10 the filing of the petition and the plaintiff has not shown good
11 cause why such service was not made within that period, the action
12 shall be deemed dismissed as to that defendant without prejudice and
13 Section 100 of this title shall be applicable to any refiling of the
14 action. Upon application of a defendant not timely served, the
15 court shall enter an order dismissing the action as to that
16 defendant. The court shall enter a dismissal order of an action
17 within two hundred (200) days after the filing of the action in
18 which no service has been made on any defendant as required pursuant
19 to this section and such order shall be mailed to the address of the
20 party or the party's attorney of record. The action shall not be
21 dismissed if a summons was served on the defendant within one
22 hundred eighty (180) days after the filing of the petition and a
23 court later holds that the summons or its service was invalid.
24 After a court quashes a summons or its service, a new summons may be

1 served on the defendant within a time specified by the judge. If
2 the new summons is not served within the specified time, the action
3 shall be deemed to have been dismissed without prejudice as to that
4 defendant. This subsection shall not apply with respect to a
5 defendant who has been outside of this state for one hundred eighty
6 (180) days following the filing of the petition.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 593 of Title 21, unless there is
9 created a duplication in numbering, reads as follows:

10 A. An employer, or agent who is in charge of a business
11 establishment, commits the offense of refusing to make an employee
12 available for service of process if the person knowingly refuses to
13 assist a licensed process server, who calls at such business
14 establishment during the working hours of an employee for the
15 purpose of serving process on such employee, by failing or refusing
16 to make such employee available for service of process.

17 B. The offense of refusing to make an employee available for
18 service of process is a misdemeanor punishable by up to one (1) year
19 in jail, a fine of One Thousand Dollars (\$1,000.00), or by both such
20 fine and imprisonment.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 594 of Title 21, unless there is
23 created a duplication in numbering, reads as follows:

1 A. For the purposes of this section, a "medical facility" shall
2 include any:

3 1. Facility licensed under any nursing home care act;

4 2. Facility licensed under any specialized health
5 rehabilitation act;

6 3. Facility licensed under any community care act;

7 4. Mental, drug, physical, or alcohol rehabilitation facility;

8 5. Residential facility;

9 6. Medical facility;

10 7. Developmental disability facility;

11 8. Homeless facility, shelter, or day care; and

12 9. Adult day care center.

13 B. An employee of a medical facility commits the offense of
14 refusing to make an employee or patient available for service of
15 process if the employee knowingly refuses to assist a licensed
16 process server, who calls at such medical facility for the purpose
17 of serving process on such employee or patient, by failing or
18 refusing to make such employee or resident available for service of
19 process.

20 C. The offense of refusing to make an employee or patient
21 available for service of process is a misdemeanor punishable by up
22 to one (1) year in jail, a fine of One Thousand Dollars (\$1,000.00),
23 or by both such fine and imprisonment.

SECTION 4. This act shall become effective November 1, 2022.

58-2-9022 AQH 12/15/21