

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

February 15, 2024

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1903

By: Hall

An Act relating to online auctions; amending 12 O.S. 2021, Section 757, as amended by Section 1, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2023, Section 757), which relates to acceptance of bids; updating statutory language; updating statutory reference; prohibiting charging of buyer's premium; limiting certain fees for online auction marketplaces; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 757, as amended by Section 1, Chapter 326, O.S.L. 2022 (12 O.S. Supp. 2023, Section 757), is amended to read as follows:

Section 757. A. 1. No goods or chattels levied upon by an officer pursuant to an execution issued by a court of record shall be sold unless the party causing the execution to be issued:

a. causes a written notice of sale executed by the sheriff describing the goods or chattels subject to sale and stating the date, time and place where the sale shall occur to be mailed, by first class mail, postage prepaid, to the judgment debtor, any holder of

1 record of an interest in the property, and all other
2 persons of whom the party causing the execution to be
3 issued has notice who claim a lien or any interest in
4 the goods or chattels, at least ten (10) days prior to
5 the date of the sale, if the names and actual
6 addresses of such persons are known, and

7 b. causes public notice to be given of the date, time and
8 place of sale, for at least ten (10) days before the
9 day of sale. The notice shall be executed by the
10 sheriff and shall state the name of any person having
11 an interest in the property whose actual address is
12 unknown, and shall designate the person or persons
13 whose unknown successors are being notified. The
14 notice shall be given by advertisement, published in
15 some newspaper published in the county, or, in case no
16 newspaper ~~be~~ is published therein, by setting up
17 advertisements in five public places in the county.
18 Two advertisements shall be put up in the township
19 where the sale is to be held, and

20 c. files in the case an affidavit of proof of mailing and
21 of publication or posting.

22 2. A written notice of sale executed prior to ~~the effective~~
23 ~~date of this act~~ November 1, 1987, by the party causing the
24

1 execution to be issued but otherwise conforming to the provisions of
2 this section shall, for all purposes, be deemed valid.

3 B. 1. If a purchaser other than the party causing the
4 execution to be issued, when required by the sheriff, fails to post
5 cash or certified funds equal to ten percent (10%) of the amount bid
6 for the property within twenty-four (24) hours of the sale,
7 excluding Sundays and legal holidays, or otherwise fails to complete
8 the sale, the sheriff may proceed with the sale and may accept the
9 next highest bid.

10 2. When goods and chattels levied upon cannot be sold for want
11 of bidders, the officer making such return shall affix a true and
12 correct inventory of such goods and chattels to the execution, and
13 the party causing such execution to be issued may thereupon sue out
14 another writ of execution, directing the sale of the property levied
15 upon as provided for in this section.

16 C. All sales of goods and chattels may be conducted by public
17 auction through the Internet or other electronic means pursuant to
18 this section. For a public auction held by Internet or other
19 electronic means, the place may include the Internet website of an
20 online auction marketplace selected by the sheriff to host and
21 conduct the sheriff's sale of goods and chattels.

22 D. No sheriff nor other officer conducting the sale of such
23 property, nor any appraiser or online auction marketplace, shall
24 either directly or indirectly purchase the same; and every purchase

1 so made shall be considered fraudulent and void. If the online
2 auction marketplace is a corporation, limited liability company,
3 limited liability partnership, or partnership, the foregoing
4 restriction shall apply to any director, officer, employee, managing
5 member, or partner of such appraiser or online auction marketplace.

6 E. In the case of a sale by a sheriff conducted through an
7 online auction marketplace, the online auction marketplace may
8 collect deposits and hold payments ~~by wire transfer, electronic~~
9 ~~funds transfer, or cashier's check from a registered bidder, and~~
10 additional purchase money payments up to the full amount of the
11 winning bid, settle the transaction, and then remit payment of the
12 purchase ~~price~~ money to the court clerk as directed by the sheriff
13 or the court. Except as provided in Section 765 of this title, no
14 buyer's premium shall be charged to a buyer on any sale including a
15 sale conducted through an online auction platform. Any fee charged
16 by an online marketplace and all costs incurred by the online
17 auction marketplace shall be assessed as costs not to exceed Three
18 Hundred Twenty-five Dollars (\$325.00).

19 SECTION 2. This act shall become effective November 1, 2024.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
21 February 15, 2024 - DO PASS AS AMENDED BY CS
22
23
24