

An Act

ENROLLED SENATE
BILL NO. 128

By: Kirt of the Senate

and

Pae, Pogemiller, and Munson
of the House

An Act relating to forcible entry and detainer; amending 12 O.S. 2021, Sections 1148.4, 1148.5, 1148.5A, and 1148.16, as amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024, Section 1148.16), which relate to summons; extending time period for certain appearance; providing exceptions; making language gender neutral; increasing time period for service of certain summons; providing exceptions; conforming time periods for certain notice and hearing; providing exceptions; updating statutory language; and providing an effective date.

SUBJECT: Forcible entry and detainer

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.4, is amended to read as follows:

Section 1148.4. The summons shall be issued and returned as in other cases, except that it shall command the sheriff, or other person serving it, to summon the defendant to appear for trial at the time and place specified therein, which time shall be not less than ~~five (5) days nor more than ten (10) days~~ nor more than fifteen (15) days from the date that the summons is issued; provided, however, a trial for an action pursuant to subsection C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be not less than five (5) days nor more than ten (10) days from the date the summons is issued. The summons shall apprise the defendant of the

nature of the claim that is being asserted ~~against him~~; and there shall be endorsed upon the summons the relief sought and the amount for which the plaintiff will take judgment if the defendant fails to appear. In all cases, pleadings may be amended to conform to the evidence.

SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.5, is amended to read as follows:

Section 1148.5. The summons may be served as in other cases except that such service shall be at least ~~three (3)~~ seven (7) days before the day of trial, and the return day shall not be later than the day of trial, and it may also be served by leaving a copy thereof with some person over fifteen (15) years of age, residing on the premises, at least ~~three (3)~~ seven (7) days before the day of trial; or, if service cannot be made by the exercise of reasonable diligence on the tenant or on any person over the age of fifteen (15) years residing on the premises, the same may be served by certified mail with return receipt postmarked at least ~~three (3)~~ seven (7) days before the date of trial. Provided, service of a summons for an action pursuant to subsection C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be at least three (3) days before the date of trial.

SECTION 3. AMENDATORY 12 O.S. 2021, Section 1148.5A, is amended to read as follows:

Section 1148.5A. If, in the exercise of reasonable diligence, service cannot be made upon the defendant personally nor upon any person residing upon the premises over fifteen (15) years of age, then in lieu of service by certified mail, service may be obtained for the sole purpose of adjudicating the right to restitution of the premises by the sheriff's posting or by private process service posting of ~~said~~ the summons conspicuously on the building on the premises, and, if there ~~be~~ is no building on ~~said~~ the premises, then by posting the same at some conspicuous place on the premises sought to be recovered at least ~~five (5)~~ seven (7) days prior to the date of trial, and by the claimant's mailing a copy of ~~said~~ the summons to the last-known address of the defendant by certified mail at least ~~five (5)~~ seven (7) days prior to ~~said~~ the date of trial; provided, however, such service for an action pursuant to subsection C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be

posted at least five (5) days prior to the date of trial. Such service shall confer no jurisdiction upon the court to render any judgment against the defendant for the payment of money nor for any relief other than the restoration of possession of the premises to the claimant, unless the defendant appears at trial. If the court only renders a judgment for restoration of possession of the premises, the claimant shall not be precluded from pursuing a subsequent action for the payment of rent. A judgment for forcible entry and detainer shall not preclude the property owner from pursuing a subsequent action for other monetary relief. Such service shall not be rendered ineffectual by the failure of the defendant to actually see or receive such posted process nor by the failure of the defendant to actually receive or sign a return receipt for such mailed process.

SECTION 4. AMENDATORY 12 O.S. 2021, Section 1148.16, as amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024, Section 1148.16), is amended to read as follows:

Section 1148.16. The summons to be issued in an action for forcible entry and detainer, commonly known as an eviction, shall be in a form developed in plain and understandable language by the Oklahoma Bar Association. The Administrative Office of the Courts shall provide public access to the affidavit by providing a link to the form on the Oklahoma State Courts Network (OSCN) website. The summons shall be delivered no less than ~~three (3)~~ seven (7) days before the scheduled time and date of the court hearing; provided, however, a summons for an action pursuant to subsection C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be delivered no less than three (3) days before the date of trial. This scheduled date and time shall not be less than ~~five (5)~~ ten (10) days nor more than fifteen (15) days from the date the summons is issued; provided, however, the scheduled date and time for an action pursuant to subsection C or D of Section 132 of Title 41 of the Oklahoma Statutes shall not be less than five (5) days nor more than ten (10) days from the date the summons is issued.

SECTION 5. This act shall become effective November 1, 2025.

Passed the Senate the 26th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____