

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3227

By: Humphrey

AS INTRODUCED

An Act relating to process servers; amending 12 O.S. 2021, Section 158.1, as amended by Section 1, Chapter 20, O.S.L. 2023 (12 O.S. Supp. 2025, Section 158.1), which relates to process servers; prohibiting the electronic storage of process server applications; removing certain fees for initial application other than One Hundred Fifty Dollar fee; prohibiting additional fees for renewal of license other than Fifteen Dollar fee; prohibiting the use of a process server's license number to be used as a court case number; requiring process servers telephone numbers be posted on statewide registry; amending 12 O.S. 2021, Section 2004, as amended by Section 1, Chapter 59, O.S.L. 2022 (12 O.S. Supp. 2025, Section 2004), which relates to service of process; adding service to a person's place of employment; adding service to a medical facility where the person is a patient; defining private or gated residential community; requiring entry to private or gated residential community for service of process; authorizing service on employee, security officer, or gatekeeper of a private or gated residential community who refused access to the community; permitting service of process by securely posting service on or by gate if no employee, security guard, or gatekeeper is present and electronic gate or locked gate is present; creating misdemeanor offense for an employer to knowingly refuse to assist service of process on an employee during business hours; prescribing penalty; defining medical facility; creating misdemeanor offense for an employee of a medical facility to knowingly refuse to assist service of process on an employee or patient; prescribing penalty; amending 21 O.S. 2021, Section 650.6, as last amended by Section 182, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025,

1 Section 650.6), which relates to assault and battery
2 on process servers; modifying assault and battery on
3 process server to felony; updating penalty; providing
4 for codification; and providing an effective date.

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

6 SECTION 1. AMENDATORY 12 O.S. 2021, Section 158.1, as
7 amended by Section 1, Chapter 20, O.S.L. 2023 (12 O.S. Supp. 2025,
8 Section 158.1), is amended to read as follows:

9 Section 158.1. A. Service and return of process of court
10 documents may be by an authorized licensed private process server.
11 The presiding judge of the judicial administrative district in which
12 the county is located, or an associate district judge or district
13 judge of the county as may be designated by the presiding judge,
14 shall be authorized to issue a license to make service of process of
15 court documents to persons deemed qualified to do so.

16 B. Any person who is:

- 17 1. Eighteen (18) years of age or older;
18 2. Of good moral character;
19 3. Found ethically and mentally fit;
20 4. A resident of the State of Oklahoma for a period of not less
21 than six (6) months; and
22 5. A resident of the county or judicial administrative district
23 in which the application is submitted for a period of not less than
24 thirty (30) days,

1 may obtain a license by filing ~~an~~ a paper application with the court
2 clerk on a verified form to be prescribed by the Administrative
3 Office of the Courts. The form shall require the applicant to
4 identify whether the applicant has had a process server license
5 issued by the State of Oklahoma, any other state, or any county in
6 Oklahoma at any time prior to the current application. The
7 application shall not be electronically recorded.

8 Any person who has been convicted of a violent crime, as defined
9 in Section 571 of Title 57 of the Oklahoma Statutes, or a crime that
10 requires the person to register pursuant to the Sex Offenders
11 Registration Act in this state or another state shall be prohibited
12 from applying for or obtaining a license to serve process in this
13 state. If a person is currently licensed to serve process in this
14 state and the person has a previous felony conviction for a crime
15 enumerated in Section 571 of Title 57 of the Oklahoma Statutes or a
16 crime that requires the person to register pursuant to the Sex
17 Offenders Registration Act, the person shall be prohibited from
18 applying for renewal of the license as provided for in subsection C
19 of this section.

20 C. The applicant filing for a license to serve process anywhere
21 in this state shall pay a license fee of One Hundred Fifty Dollars
22 (\$150.00), ~~and the regular docketing, posting, mailing, and filing~~
23 ~~fees prescribed by law.~~ The license shall contain the full legal
24 name, address, county in which the license was issued, a brief

1 description of the licensee, and a recent photograph of the
2 licensee. The license shall state that the licensee is an officer
3 of the court only for the purpose of service of process. The
4 authority of the licensee shall be statewide. The license shall be
5 carried by the licensee while on duty as a private process server.
6 At the end of one (1) calendar year from the date of issuance of the
7 initial license, the license shall be renewed for a period of three
8 (3) years. The license shall be renewed each succeeding three (3)
9 years. A fee of Fifteen Dollars (\$15.00) per renewal shall be
10 charged for each statewide license renewal. No other fee shall be
11 charged to the licensee for renewal. A license issued pursuant to
12 this subsection entitles the holder of the license to serve process
13 in any county in this state.

14 All fees collected pursuant to this section shall be deposited
15 in the court fund.

16 D. Upon the filing of an application for a license, the court
17 clerk shall give thirty (30) days of notice of hearing by causing
18 the notice to be continually posted for thirty (30) days on the
19 website of the county, or be posted in the courthouse. The
20 applicant shall cause notice of the hearing to be made no less than
21 twenty (20) days prior to the hearing one time by publication in a
22 legal newspaper of the county, as defined in Section 106 of Title 25
23 of the Oklahoma Statutes, in which the application is filed. The
24 ~~applicant~~ court clerk shall be responsible for payment of the

1 publication fee, and shall file in the case the proof of publication
2 affidavit from the newspaper prior to the hearing. The court clerk
3 shall deliver by electronic means or deliver a copy of the notice at
4 least twenty (20) days prior to the hearing to the district
5 attorney, the sheriff in the county in which the application was
6 filed, the Oklahoma State Bureau of Investigation, and the
7 Administrative Office of the Courts. The notice shall contain the
8 name of the applicant and the time and place the presiding judge,
9 the associate district judge, or district judge designated by the
10 presiding judge, will act upon the application.

11 E. If, at the time of consideration of the application or
12 renewal, there are no protests, and the applicant appears qualified,
13 the application for the license shall be granted by the presiding
14 judge or such associate district judge or district judge as is
15 designated by the presiding judge and, upon executing bond running
16 to the State of Oklahoma in the amount of Five Thousand Dollars
17 (\$5,000.00) for faithful performance of his or her duties and filing
18 the bond with the court clerk, the applicant shall be authorized and
19 licensed to serve court documents in any county in this state. If,
20 at the time of consideration of the application for the license, the
21 presiding judge, associate district judge or district judge as is
22 designated by the presiding judge determines that the applicant does
23 not meet all of the qualifications necessary for a license, the
24 applicant shall be prohibited from reapplying for a license to serve

1 process for a period of not less than one (1) year from the date of
2 denial.

3 F. If any citizen of this state files a written protest setting
4 forth objections to the licensing of the applicant, the district
5 court clerk shall so advise the presiding judge or such associate
6 district judge or district judge as is designated by the presiding
7 judge, who shall set a later date for hearing of application and
8 protest. The hearing shall be held within sixty (60) days and after
9 notice to all persons known to be interested.

10 G. Proof of service of process shall be shown by affidavit as
11 provided for by subsection G of Section 2004 of this title.

12 H. The district attorney of the county wherein a license
13 authorized under this act has been issued or the Attorney General
14 may file a petition in the district court to revoke the license
15 issued to any licensee, as authorized pursuant to the provisions of
16 this section, alleging the violation by the licensee of any of the
17 provisions of the law. After at least thirty (30) days of notice by
18 certified mail to the licensee, the chief or presiding judge,
19 sitting without jury, shall hear the petition and enter an order
20 thereon. If the license is revoked, the licensee shall not be
21 permitted to reapply for a license for a period of five (5) years
22 from the date of revocation. Notwithstanding any other provision of
23 this section, any licensee whose license has been revoked one time
24 shall pay the sum of One Thousand Dollars (\$1,000.00) as a renewal

1 fee. If a second revocation occurs, the chief or presiding judge
2 shall not allow an applicant to renew the license.

3 I. No license number shall be used as a court case number.

4 J. Any person who knowingly and willfully serves process in
5 Oklahoma without a process server license issued by the State of
6 Oklahoma or who holds himself or herself out to be a process server
7 licensed by the State of Oklahoma when the person is not licensed as
8 such shall, upon conviction, be guilty of a misdemeanor. The
9 provisions of this subsection shall not apply to a process server
10 licensed in another state who is serving court documents issued by a
11 court in another state to a person in Oklahoma.

12 ~~J.~~ K. The court clerk shall make available at all times in the
13 office of the court clerk the list of licensed private process
14 servers. Any person in need of the services of a process server may
15 designate one from the names on the list, before presenting summons
16 to the court clerk for issuance, without necessity for individual
17 judicial appointment.

18 ~~K.~~ L. No later than January 1, 2013, the Administrative Office
19 of the Courts shall establish and maintain a statewide registry
20 which shall contain a list of licensed private process servers and
21 their telephone numbers. The Administrative Office of the Courts
22 shall promulgate rules for the creation and maintenance of the
23 statewide registry. Rules for the statewide registry for private
24 process servers must have approval of the Supreme Court.

1 SECTION 2. AMENDATORY 12 O.S. 2021, Section 2004, as
2 amended by Section 1, Chapter 59, O.S.L. 2022 (12 O.S. Supp. 2025,
3 Section 2004), is amended to read as follows:

4 Section 2004.

5 PROCESS

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

9 B. SUMMONS: FORM.

10 1. The summons shall be signed by the clerk, be under the seal
11 of the court, contain the name of the court and the names of the
12 parties, be directed to the defendant, state the name and address of
13 the plaintiff's attorney, if any, otherwise, the plaintiff's
14 address, and the time within which these rules require the defendant
15 to appear and defend, and shall notify the defendant that in case of
16 failure to appear, judgment by default will be rendered against the
17 defendant for the relief demanded in the petition.

18 2. A judgment by default shall not be different in kind from or
19 exceed in amount that prayed for in either the demand for judgment
20 or in cases not sounding in contract in a notice which has been
21 given the party against whom default judgment is sought. Except as
22 to a party against whom a judgment is entered by default, every
23 final judgment shall grant the relief to which the party in whose
24

1 favor it is rendered is entitled, even if the party has not demanded
2 such relief in his or her pleadings.

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

4 1. SERVICE BY PERSONAL DELIVERY.

5 a. At the election of the plaintiff, process, other than
6 a subpoena, shall be served by a sheriff or deputy
7 sheriff, a person licensed to make service of process
8 in civil cases or a person specially appointed for
9 that purpose. The court shall freely make special
10 appointments to serve all process, other than a
11 subpoena, under this paragraph.

12 b. A summons to be served by the sheriff or deputy
13 sheriff shall be delivered to the sheriff by the court
14 clerk or an attorney of record for the plaintiff.
15 When a summons, subpoena or other process is to be
16 served by the sheriff or deputy sheriff of another
17 county, the court clerk shall mail it, together with
18 the voucher of the court clerk for the fees collected
19 for the service, to the sheriff of that county. The
20 sheriff shall deposit the voucher in the Sheriff's
21 Service Fee Account created pursuant to Section 514.1
22 of Title 19 of the Oklahoma Statutes. The sheriff or
23 deputy sheriff shall serve the process in the manner
24 that other process issued out of the court of the

1 sheriff's own county is served. A summons to be
2 served by a person licensed to make service of process
3 in civil cases or by a person specially appointed for
4 that purpose shall be delivered by an attorney of
5 record for the plaintiff to such person.

6 c. Service shall be made as follows:

7 (1) upon an individual other than an infant who is
8 less than fifteen (15) years of age or an
9 incompetent person, by delivering a copy of the
10 summons and of the petition personally or by
11 leaving copies thereof at the person's dwelling
12 house or usual place of abode with some person
13 then residing therein who is fifteen (15) years
14 of age or older, by delivering a copy of the
15 summons and of the petition to an agent
16 authorized by appointment or by law to receive
17 service of process, ~~or~~ by delivering a copy of
18 the summons and of the petition personally or by
19 leaving copies thereof at an agreed meeting place
20 with some person then residing at the person's
21 dwelling house or usual place of abode, by
22 delivering a copy of the summons and of the
23 petition personally at the person's place of
24 employment, or by delivering a copy of the

summons and of the petition personally at a
medical facility where that person is a patient,

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

(3) upon a domestic or foreign corporation or upon a
partnership or other unincorporated association
which is subject to suit under a common name, by
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,

- 1 (4) upon the United States or an officer or agency
2 thereof in the manner specified by Federal Rule
3 of Civil Procedure 4,
4 (5) upon a state, county, school district, public
5 trust or municipal corporation or other
6 governmental organization thereof subject to
7 suit, by delivering a copy of the summons and of
8 the petition to the officer or individual
9 designated by specific statute; however, if there
10 is no statute, then upon the chief executive
11 officer or a clerk, secretary or other official
12 whose duty it is to maintain the official records
13 of the organization,
14 (6) upon an inmate incarcerated in an institution
15 under the jurisdiction and control of the
16 Department of Corrections, by delivering a copy
17 of the summons and of the petition to the warden
18 or superintendent or the designee of the warden
19 or superintendent of the institution where the
20 inmate is housed. It shall be the duty of the
21 receiving warden or superintendent or a designee
22 to promptly deliver the summons and petition to
23 the inmate named therein. The warden or
24 superintendent or his or her designee shall

1 reject service of process for any inmate who is
2 not actually present in the institution, and
3 (7) upon an inmate incarcerated in a county jail or
4 detention center under the jurisdiction and
5 control of the county sheriff or the jail trust
6 of the county, by delivering a copy of the
7 summons and of the petition to the jail or
8 detention center administrator or the designee of
9 such administrator of the jail or detention
10 center where the inmate is housed. It shall be
11 the duty of the receiving jail or detention
12 center administrator or designee to promptly
13 deliver the summons and petition to the inmate
14 named therein. The jail or detention center
15 administrator or designee shall reject service of
16 process for any inmate who is not actually
17 present in the jail or detention center.

18 2. SERVICE BY MAIL.

19 a. At the election of the plaintiff, a summons and
20 petition may be served by mail by the plaintiff's
21 attorney, any person authorized to serve process
22 pursuant to subparagraph a of paragraph 1 of this
23 subsection or by the court clerk upon a defendant of
24 any class referred to in division (1), (3) or (5) of

1 subparagraph c of paragraph 1 of this subsection.

2 Service by mail shall be effective on the date of
3 receipt or if refused, on the date of refusal of the
4 summons and petition by the defendant.

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

1 and at the election of the judgment creditor by
2 restricted delivery, to the addressee.

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

1 employee of the office of the officials specified in
2 division (5) of subparagraph c of paragraph 1 of this
3 subsection who is authorized to or who regularly
4 receives certified mail shall constitute acceptance or
5 refusal by the party addressed. If delivery of the
6 process is refused, upon the receipt of notice of such
7 refusal and at least ten (10) days before applying for
8 entry of default, the person elected by plaintiff
9 pursuant to subparagraph a of this paragraph to serve
10 the process shall mail to the defendant by first-class
11 mail a copy of the summons and petition and a notice
12 prepared by the plaintiff that despite such refusal
13 the case will proceed and that judgment by default
14 will be rendered against him unless he appears to
15 defend the suit. Any default or judgment by default
16 shall be set aside upon motion of the defendant in the
17 manner prescribed in Section 1031.1 of this title, or
18 upon petition of the defendant in the manner
19 prescribed in Section 1033 of this title if the
20 defendant demonstrates to the court that the return
21 receipt was signed or delivery was refused by an
22 unauthorized person. A petition shall be filed within
23 one (1) year after the defendant has notice of the
24

1 default or judgment by default but in no event more
2 than two (2) years after the filing of the judgment.

3 3. SERVICE BY PUBLICATION.

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

11 b. Service of summons upon the unknown successors of a
12 named defendant, a named decedent or a dissolved
13 partnership, corporation or other association may be
14 made by publication when it is stated in a petition,
15 verified by the plaintiff or the plaintiff's attorney
16 or in a separate affidavit by the plaintiff or the
17 plaintiff's attorney filed with the court, that the
18 person who verified the petition or the affidavit does
19 not know and with due diligence cannot ascertain the
20 following:

21 (1) whether a person named as defendant is living or
22 dead, and, if dead, the names or whereabouts of
23 the person's successors, if any,

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

14 c. Service pursuant to this paragraph shall be made by
15 publication of a notice, signed by the court clerk,
16 one (1) day a week for three (3) consecutive weeks in
17 a newspaper authorized by law to publish legal notices
18 which is published in the county where the petition is
19 filed. If no newspaper authorized by law to publish
20 legal notices is published in such county, the notice
21 shall be published in some such newspaper of general
22 circulation which is published in an adjoining county.
23 All named parties and their unknown successors who may
24 be served by publication may be included in one

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

16 (1) When the recovery of money is sought, it is not
17 necessary for the publication notice to state the
18 separate items involved, but the total amount
19 that is claimed must be stated. When interest is
20 claimed, it is not necessary to state the rate of
21 interest, the date from which interest is claimed
22 or that interest is claimed until the obligation
23 is paid.
24

1 (2) It is not necessary for the publication notice to
2 state that the judgment will include recovery of
3 costs in order for a judgment following the
4 publication notice to include costs of suit.

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

17 (4) In an action to foreclose a mortgage, it is
18 sufficient that the publication notice state that
19 if the defendant does not answer, the defendant's
20 interest in the property will be foreclosed. It
21 is not necessary to state that a judgment forever
22 barring the defendant from all right, title,
23 interest, estate, property and equity of
24 redemption in or to the property or any part

1 thereof is requested or will be entered if the
2 defendant does not answer.

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

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

f. A party against whom a default judgment or order has been rendered, without other service than by publication in a newspaper, may, at any time within three (3) years after the filing of the judgment or order, have the judgment or order set aside in the manner prescribed in Sections 1031.1 and 1033 of this title. Before the judgment or order is set aside, the applicant shall notify the adverse party of the intention to make an application and shall file a full answer to the petition, pay all costs if the court requires them to be paid and satisfy the court by affidavit or other evidence that during the pendency of the action the applicant had no actual notice thereof in time to appear in court and make a defense. The title to any property which is the subject of and which passes to a purchaser in good faith by or in consequence of the judgment or order to be opened shall not be affected by any proceedings under this subparagraph. Nor shall proceedings under this subparagraph affect the title of any property sold before judgment under an attachment. The adverse party, on the hearing of an application to open a judgment or order as provided by this subparagraph, shall be allowed to present evidence to show that

1 during the pendency of the action the applicant had
2 notice thereof in time to appear in court and make a
3 defense.

4 g. The term "successors" includes all heirs, executors,
5 administrators, devisees, trustees and assigns,
6 immediate and remote, of a named individual,
7 partnership, corporation or association.

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

14 4. SERVICE ON THE SECRETARY OF STATE.

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

18 (1) there is no registered agent for the corporation
19 listed in the records of the Secretary of State,
20 or

21 (2) neither the registered agent nor an officer of
22 the corporation could be found at the registered
23 office of the corporation, when service of
24 process was attempted.

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

4 (1) the corporation's last-known address shown on the
5 records of the Franchise Tax Division of the
6 Oklahoma Tax Commission, if any is listed there,
7 and

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

11 (3) the corporation's last address known to the
12 plaintiff.

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

18 c. Service on the Secretary of State shall be made by
19 filing two (2) copies of the summons and petition with
20 the Secretary of State, notifying the Secretary of
21 State that service is being made pursuant to the
22 provisions of this paragraph, and paying the Secretary
23 of State the fee prescribed in paragraph 7 of
24 subsection A of Section 1142 of Title 18 of the

Oklahoma Statutes, which fee shall be taxed as part of the costs of the action, suit or proceeding if the plaintiff shall prevail therein. If a registered agent for the corporation is listed in the records of the Secretary of State, the plaintiff must also furnish a certified copy of the return showing that service on the registered agent has been attempted either in person or by mail, and that neither the registered agent nor an officer of the corporation could be found at the registered office of the corporation.

- d. Within three (3) working days after receiving the summons and petition, the Secretary of State shall send notice by letter, certified mail, return receipt requested, directed to the corporation at its registered office or the last-known address found in the office of the Secretary of State, or if no address is found there, to the corporation's last-known address provided by the plaintiff. The notice shall enclose a copy of the summons and petition and any other papers served upon the Secretary of State. The corporation shall not be required to serve its answer until forty (40) days after service of the summons and petition on the Secretary of State.

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

19 f. The Secretary of State shall maintain an alphabetical
20 record of service setting forth the name of the
21 plaintiff and defendant, the title, docket number and
22 nature of the proceeding in which the process has been
23 served upon the defendant, the fact that service has
24 been effected pursuant to the provisions of this

1 paragraph, the return date thereof and the date when
2 the service was made. The Secretary of State shall
3 not be required to retain this information for a
4 period longer than five (5) years from receipt of the
5 service of process.

6 g. The provisions of this paragraph shall not apply to a
7 foreign insurance company doing business in this
8 state.

9 5. SERVICE BY ACKNOWLEDGMENT. An acknowledgment on the back of
10 the summons or the voluntary appearance of a defendant is equivalent
11 to service.

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

20 7. NO SERVICE BY PRISONER. No prisoner in any jail, Department
21 of Corrections facility, private prison, or parolee or probationer
22 under supervision of the Department of Corrections shall be
23 appointed by any court to serve process on any defendant, party or
24 witness.

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

13 E. SUMMONS: TERRITORIAL LIMITS OF EFFECTIVE SERVICE.

14 1. Service of the summons and petition may be made anywhere
15 within this state in the manner provided by subsection C of this
16 section.

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

- 20 a. by personal delivery in the manner prescribed for
21 service within this state,
22 b. in the manner prescribed by the law of the place in
23 which the service is made for service in that place in
24

1 an action in any of its courts of general
2 jurisdiction,

3 c. in the manner prescribed by paragraph 2 of subsection
4 C of this section,

5 d. as directed by the foreign authority in response to a
6 letter rogatory,

7 e. in the manner prescribed by paragraph 3 of subsection
8 C of this section only when permitted by subparagraphs
9 a and b of paragraph 3 of subsection C of this
10 section, or

11 f. as directed by the court.

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

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

21 5. When subsection C of this section requires that in order to
22 effect service one or more designated individuals be served, service
23 outside this state under this section must be made upon the
24 designated individual or individuals.

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

9 b. Service in connection with a proceeding in a tribunal
10 outside this state may be made within this state
11 without an order of court.

12 c. Service under this paragraph does not, of itself,
13 require the recognition or enforcement of an order,
14 judgment or decree rendered outside this state.

15 F. ASSERTION OF JURISDICTION. A court of this state may
16 exercise jurisdiction on any basis consistent with the Constitution
17 of this state and the Constitution of the United States.

18 G. RETURN.

19 1. The person serving the process shall make proof of service
20 thereof to the court promptly and in any event within the time
21 during which the person served must respond to the process, but the
22 failure to make proof of service does not affect the validity of the
23 service.
24

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

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

23 H. AMENDMENT. At any time in its discretion and upon such
24 terms as it deems just, the court may allow any process or proof of

1 service thereof to be amended, unless it clearly appears that
2 material prejudice would result to the substantial rights of the
3 party against whom the process issued.

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

1 defendant who has been outside of this state for one hundred eighty
2 (180) days following the filing of the petition.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2004.4 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 A. As used in this section, "private or gated residential
7 community" includes, but is not limited to, a private or gated home,
8 condominium association, housing cooperative, apartment complex,
9 housing community, or community.

10 B. An employee, security officer, or gatekeeper of a private or
11 gated residential community shall grant entry into the community,
12 including its common areas and common elements, to an officer
13 authorized by law to serve process or a process server licensed in
14 this state who is attempting to serve process on a person who
15 resides within or is known to be within the private or gated
16 residential community.

17 C. If an employee, security officer, or gatekeeper of a gated
18 residential community refuses to allow entry to the private or gated
19 residential community, the employee, security officer, or gatekeeper
20 shall be considered an agent authorized by law pursuant to Section
21 2004 of Title 12 of the Oklahoma Statutes to receive service of
22 process and the process server may service process by delivering a
23 copy of the summons and of the petition to the employee, security
24 officer, or gatekeeper.

1 D. In the case where there is not employee, security officer,
2 or gatekeeper and only an electronic entrance lock or locked gate is
3 used, the process server may securely post the document to the
4 nearest place to or directly on the electronic access device to open
5 such gate or the gate itself.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 594 of Title 21, unless there is
8 created a duplication in numbering, reads as follows:

9 Any employer, or any agent who has direct supervision or control
10 of a business establishment, who knowingly refuses to assist any
11 officer authorized by law to serve process or process server
12 licensed in this state to serve process on an employee during the
13 working hours of the employee, at the location the employee is
14 regularly assigned to work, by failing or refusing to make such
15 employee available for service of process shall, upon conviction, be
16 guilty of a misdemeanor punishable by imprisonment in the county
17 jail for not more than one (1) year, by a fine not to exceed One
18 Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 595 of Title 21, unless there is
21 created a duplication in numbering, reads as follows:

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

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

2. Facility licensed under any specialized health rehabilitation act;
3. Facility licensed under any community care act;
4. Mental, drug, physical, or alcohol rehabilitation facility;
5. Residential facility;
6. Medical facility;
7. Developmental disability facility;
8. Homeless facility, shelter, or day care; and
9. Adult day care center.

B. Any employee of a medical facility who knowingly refuses to assist any officer authorized by law to serve process or process server licensed in this state to serve process on an employee or patient by failing or refusing to make such employee or patient available for service of process shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

SECTION 6. AMENDATORY 21 O.S. 2021, Section 650.6, as last amended by Section 182, Chapter 486, O.S.L. 2025 (21 O.S. Supp. 2025, Section 650.6), is amended to read as follows:

Section 650.6. A. Every person who commits any assault upon any county commissioner, county clerk, county assessor, county treasurer, or any officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to

1 judges, bailiffs, court reporters, court clerks or deputy court
2 clerks, or upon any witnesses or juror, because of said person's
3 service in such capacity or within six (6) months of said person's
4 service in such capacity, shall be guilty of a misdemeanor
5 punishable by imprisonment in the county jail for not more than one
6 (1) year, by a fine not to exceed One Thousand Dollars (\$1,000.00),
7 or by both such imprisonment and fine.

8 B. Every person who commits any battery or assault and battery
9 upon any county commissioner, county clerk, county assessor, county
10 treasurer, or officer of a state district or appellate court, or the
11 Workers' Compensation Court, including but not limited to judges,
12 bailiffs, court reporters, court clerks or deputy court clerks, or
13 upon any witnesses or juror, because of said person's service in
14 such capacity or within six (6) months of said person's service in
15 such capacity, shall be guilty of a Class B6 felony offense
16 punishable by imprisonment in the custody of the Department of
17 Corrections for not more than five (5) years, by a fine of not more
18 than Five Thousand Dollars (\$5,000.00), or by both such imprisonment
19 and fine.

20 C. Every person who knowingly commits any assault, battery, or
21 assault and battery upon a process server licensed in this state
22 while the person is in the performance of his or her duties shall,
23 upon conviction, be guilty of a ~~misdemeanor~~ felony punishable by
24 imprisonment ~~in the county jail for not more than one (1) year in~~ in

1 the custody of the Department of Corrections not more than two (2)
2 years, by a fine not to exceed ~~One Thousand Dollars (\$1,000.00)~~ Two
3 Thousand Dollars (\$2,000.00), or by both such imprisonment and fine.

4 SECTION 7. This act shall become effective November 1, 2026.

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