An Act

ENROLLED SENATE
BILL NO. 1071

By: Newberry of the Senate

and

Henke of the House

An Act relating to landlord and tenant; amending 41 O.S. 2011, Section 111, which relates to termination of tenancy; establishing exception to eviction proceedings for squatter occupant; authorizing punishment upon conviction by a fine; and providing an effective date.

SUBJECT: Landlord and tenant

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

SECTION 1. AMENDATORY 41 O.S. 2011, Section 111, is amended to read as follows:

Section 111. A. Except as otherwise provided in the Oklahoma Residential Landlord and Tenant Act, when the tenancy is month-to-month or tenancy at will, the landlord or tenant may terminate the tenancy provided the landlord or tenant gives a written notice to the other at least thirty (30) days before the date upon which the termination is to become effective. The thirty-day period to terminate shall begin to run from the date notice to terminate is served as provided in subsection E of this section.

B. Except as otherwise provided in the Oklahoma Residential Landlord and Tenant Act, when the tenancy is less than month-to-month, the landlord or tenant may terminate the tenancy provided the landlord or tenant gives to the other a written notice served as

provided in subsection E of this section at least seven (7) days before the date upon which the termination is to become effective.

C. Unless earlier terminated under the provisions of the Oklahoma Residential Landlord and Tenant Act or unless otherwise agreed upon, a tenancy for a definite term expires on the ending date thereof without notice.

D. If the tenant remains in possession without the landlord's consent after the expiration of the term of the rental agreement or its termination under the Oklahoma Residential Landlord and Tenant Act, the landlord may immediately bring an action for possession and damages. If the tenant's holdover is willful and not in good faith the landlord may also recover an amount not more than twice the average monthly rental, computed and prorated on a daily basis, for each month or portion thereof that said tenant remains in possession. If the landlord consents to the tenant's continued occupancy, a month-to-month tenancy is thus created, unless the parties otherwise agree.

E. The written notice, required by the Oklahoma Residential Landlord and Tenant Act, to terminate any tenancy shall be served on the tenant or landlord personally unless otherwise specified by law. If the tenant cannot be located, service shall be made by delivering the notice to any family member of such tenant over the age of twelve (12) years residing with the tenant. If service cannot be made on the tenant personally or on such family member, notice shall be posted at a conspicuous place on the dwelling unit of the tenant. If the notice is posted, a copy of such notice shall be mailed to the tenant by certified mail. If service cannot be made on the landlord personally, the notice shall be mailed to the landlord by certified mail. For the purpose of this subsection, the word "landlord" shall mean any person authorized to receive service of process and notice pursuant to Section 116 of this title.

F. The provisions of this section shall not apply to an occupant who has no rental agreement with the landlord and with whom the landlord has not consented to creating a tenancy. A landlord shall have the right to demand that such an occupant vacate the dwelling unit or the premises or both and shall not be required to commence eviction proceedings. If the occupant wrongfully fails to comply within a reasonable time, the occupant shall, upon

conviction, be guilty of a trespass and may be punished by a fine not to exceed Five Hundred Dollars ($500.00).

SECTION 2. This act shall become effective November 1, 2016.

Passed the Senate the 4th day of May, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2016.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 5th

day of May, 20 16, at 10:55 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 11th

day of May, 20 16, at 4:11 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 11th

day of May, 20 16, at 4:59. o'clock P. M.

By: