

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1577

By: Williams

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6 AS INTRODUCED

7 An Act relating to landlord and tenant; amending 41
8 O.S. 2011, Section 115, which relates to security
9 deposits; modifying time limit for landlord to return
10 security deposit; and providing an effective date.

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

13 SECTION 1. AMENDATORY 41 O.S. 2011, Section 115, is
14 amended to read as follows:

15 Section 115. A. Any damage or security deposit required by a
16 landlord of a tenant must be kept in an escrow account for the
17 tenant, which account shall be maintained in the State of Oklahoma
18 with a federally insured financial institution. Misappropriation of
19 the security deposit shall be unlawful and punishable by a term in a
20 county jail not to exceed six (6) months and by a fine in an amount
21 not to exceed twice the amount misappropriated from the escrow
22 account.

23 B. Upon termination of the tenancy, any security deposit held
24 by the landlord may be applied to the payment of accrued rent and

1 the amount of damages which the landlord has suffered by reason of
2 the tenant's noncompliance with this act and the rental agreement,
3 all as itemized by the landlord in a written statement delivered by
4 mail to be by return receipt requested and to be signed for by any
5 person of statutory service age at such address or in person to the
6 tenant if he can reasonably be found. If the landlord proposes to
7 retain any portion of the security deposit for rent, damages or
8 other legally allowable charges under the provisions of this act or
9 the rental agreement, the landlord shall return the balance of the
10 security deposit without interest to the tenant within ~~thirty (30)~~
11 forty five (45) days after the termination of tenancy, delivery of
12 possession and written demand by the tenant. If the tenant does not
13 make such written demand of such deposit within six (6) months after
14 termination of the tenancy, the deposit reverts to the landlord in
15 consideration of the costs and burden of maintaining the escrow
16 account, and the interest of the tenant in that deposit terminates
17 at that time.

18 C. Upon cessation of a landlord's interest in the dwelling unit
19 including, but not limited to, termination of interest by sale,
20 assignment, death, bankruptcy, appointment of receiver or otherwise,
21 the person in possession of the tenants' damage or security deposits
22 at his option or pursuant to court order shall, within a reasonable
23 time:

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1 1. Transfer said deposits to the landlord's successor in
2 interest and notify the tenants in writing of such transfer and of
3 the transferee's name and address; or

4 2. Return the deposits to the tenants.

5 D. Upon receipt of the transferred deposits under paragraph 1
6 of subsection C of this section, the transferee, in relation to such
7 deposits, shall have all the rights and obligations of a landlord
8 holding such deposits under this act.

9 E. If a landlord or manager fails to comply with this section
10 or fails to return any prepaid rent required to be paid to a tenant
11 under this act, the tenant may recover the damage and security
12 deposit and prepaid rent, if any.

13 F. Except as otherwise provided by the rental agreement, a
14 tenant shall not apply or deduct any portion of the security deposit
15 from the last month's rent or use or apply such tenant's security
16 deposit at any time in lieu of payment of rent.

17 G. This section does not preclude the landlord or tenant from
18 recovering other damages to which he may be entitled under this act.

19 SECTION 2. This act shall become effective November 1, 2015.

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21 55-1-6251 LRB 12/17/14

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