

1 ENGROSSED HOUSE
2 BILL NO. 3706

By: Vancuren of the House

3 and

4 Rosino of the Senate

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7 [landlord and tenant - delinquent rent - effective
8 date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 41 O.S. 2011, Section 131, is
13 amended to read as follows:

14 Section 131. A. If rent ~~is~~ and any late charge are unpaid when
15 due, the landlord may bring an action for recovery of the rent and
16 any late charge at any time thereafter or the landlord may wait
17 until the expiration of the period allowed for curing a default by
18 the tenant, as prescribed in subsection ~~B~~ C of this section, before
19 bringing such action.

20 B. A provision in a residential lease providing for the payment
21 of an amount which shall be presumed to be the amount of damages
22 sustained by the landlord for the late payment of rent shall be held
23 valid with no penalty when such monthly amount does not exceed ten
24 percent (10%) of the monthly amount of rent. In the event such

1 monthly amount of rent exceeds ten percent (10%), such provision
2 shall be held invalid and subject to penalty unless the party
3 seeking to uphold the provision established that such amount is
4 reasonable.

5 C. A landlord may terminate a rental agreement for failure to
6 pay rent when due, if the tenant fails to pay the rent and any late
7 charge within five (5) days after written notice of landlord's
8 demand for payment. The notice may be given before or after the
9 landlord files any action authorized by subsection A of this
10 section. Demand for past due rent and any late charge is deemed a
11 demand for possession of the premises and no further notice to quit
12 possession need be given by the landlord to the tenant for any
13 purpose.

14 SECTION 2. This act shall become effective November 1, 2020.

15 Passed the House of Representatives the 11th day of March, 2020.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2020.

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Presiding Officer of the Senate

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