

1 STATE OF OKLAHOMA

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

3 SENATE BILL 232

By: Newberry

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6 AS INTRODUCED

7 An Act relating to small claims procedure; amending
8 12 O.S. 2011, Section 1751, as amended by Section 1,
9 Chapter 282, O.S.L. 2012 (12 O.S. Supp. 2014, Section
10 1751), which relates to suits authorized under small
11 claims procedure; clarifying certain exception; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1751, as
15 amended by Section 1, Chapter 282, O.S.L. 2012 (12 O.S. Supp. 2014,
16 Section 1751), is amended to read as follows:

17 Section 1751. A. The following suits may be brought under the
18 small claims procedure:

19 1. Actions for the recovery of money based on contract or tort,
20 including subrogation claims, but excluding libel or slander, in
21 which the amount sought to be recovered, exclusive of attorney fees
22 and other court costs, does not exceed Seven Thousand Five Hundred
23 Dollars (\$7,500.00);

24 2. Actions to replevy personal property the value of which does
not exceed Seven Thousand Five Hundred Dollars (\$7,500.00). If the

1 claims for possession of personal property and to recover money are
2 pled in the alternative, the joinder of claims is permissible if
3 neither the value of the property nor the total amount of money
4 sought to be recovered, exclusive of attorney fees and other costs,
5 exceeds Seven Thousand Five Hundred Dollars (\$7,500.00); and

6 3. Actions in the nature of interpleader, as provided for in
7 Section 2022 of this title, in which the value of the money which is
8 the subject of such action does not exceed Seven Thousand Five
9 Hundred Dollars (\$7,500.00).

10 B. No action may be brought under the small claims procedure by
11 any collection agency, collection agent, or assignee of a claim,
12 except that an action may be brought against an insurer or third-
13 party administrator by a health care provider as that term is
14 defined in Section 6552 of Title 36 of the Oklahoma Statutes, who is
15 an assignee of benefits available under an accident and health
16 insurance policy, trust, plan, or contract. A lienholder to a
17 titled vehicle shall not be considered a collection agency,
18 collection agent, or assignee of a claim.

19 C. In those cases which are uncontested, the amount of attorney
20 fees allowed shall not exceed ten percent (10%) of the judgment.

21 D. No action may be brought under the small claims procedure
22 for any alleged claim against any city, county or state agency, or
23 employee of a city, county or state agency, if the claim alleges
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1 matters arising from incarceration, probation, parole or community
2 supervision.

3 E. No action by a plaintiff who is currently incarcerated in
4 any jail or prison in the state may be brought against any person or
5 entity under the small claims procedure.

6 F. A small claims affidavit shall include a statement
7 acknowledging that the plaintiff is disclaiming a right to a trial
8 by jury on the merits of the case.

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

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