

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 ENGROSSED SENATE
5 BILL NO. 128

6 By: Kirt of the Senate

7 and

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10 Pae and Pogemiller of the
11 House

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An Act relating to forcible entry and detainer; amending 12 O.S. 2021, Sections 1148.4, 1148.5, 1148.5A, and 1148.16, as amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024, Section 1148.16), which relate to summons; extending time period for certain appearance; providing exceptions; making language gender neutral; increasing time period for service of certain summons; providing exceptions; conforming time periods for certain notice and hearing; providing exceptions; updating statutory language; and providing an effective date.

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

19 SECTION 1. AMENDATORY 12 O.S. 2021, Section 1148.4, is
20 amended to read as follows:

21 Section 1148.4. The summons shall be issued and returned as in
22 other cases, except that it shall command the sheriff, or other
23 person serving it, to summon the defendant to appear for trial at
24 the time and place specified therein, which time shall be not less

1 than ~~five (5) days nor more than ten (10) days~~ nor more than fifteen
2 (15) days from the date that the summons is issued; provided,
3 however, a trial for an action pursuant to subsection C or D of
4 Section 132 of Title 41 of the Oklahoma Statutes shall be not less
5 than five (5) days nor more than ten (10) days from the date the
6 summons is issued. The summons shall apprise the defendant of the
7 nature of the claim that is being asserted ~~against him;~~ and there
8 shall be endorsed upon the summons the relief sought and the amount
9 for which the plaintiff will take judgment if the defendant fails to
10 appear. In all cases, pleadings may be amended to conform to the
11 evidence.

12 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1148.5, is
13 amended to read as follows:

14 Section 1148.5. The summons may be served as in other cases
15 except that such service shall be at least ~~three (3)~~ seven (7) days
16 before the day of trial, and the return day shall not be later than
17 the day of trial, and it may also be served by leaving a copy
18 thereof with some person over fifteen (15) years of age, residing on
19 the premises, at least ~~three (3)~~ seven (7) days before the day of
20 trial; or, if service cannot be made by the exercise of reasonable
21 diligence on the tenant or on any person over the age of fifteen
22 (15) years residing on the premises, the same may be served by
23 certified mail with return receipt postmarked at least ~~three (3)~~
24 seven (7) days before the date of trial. Provided, service of a

1 summons for an action pursuant to subsection C or D of Section 132
2 of Title 41 of the Oklahoma Statutes shall be at least three (3)
3 days before the date of trial.

4 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1148.5A, is

5 amended to read as follows:

6 Section 1148.5A. If, in the exercise of reasonable diligence,
7 service cannot be made upon the defendant personally nor upon any
8 person residing upon the premises over fifteen (15) years of age,
9 then in lieu of service by certified mail, service may be obtained
10 for the sole purpose of adjudicating the right to restitution of the
11 premises by the sheriff's posting or by private process service
12 posting of ~~said~~ the summons conspicuously on the building on the
13 premises, and, if there ~~be~~ is no building on ~~said~~ the premises, then
14 by posting the same at some conspicuous place on the premises sought
15 to be recovered at least ~~five (5)~~ seven (7) days prior to the date
16 of trial, and by the claimant's mailing a copy of ~~said~~ the summons
17 to the last-known address of the defendant by certified mail at
18 least ~~five (5)~~ seven (7) days prior to ~~said~~ the date of trial;
19 provided, however, such service for an action pursuant to subsection
20 C or D of Section 132 of Title 41 of the Oklahoma Statutes shall be
21 posted at least five (5) days prior to the date of trial. Such
22 service shall confer no jurisdiction upon the court to render any
23 judgment against the defendant for the payment of money nor for any
24 relief other than the restoration of possession of the premises to

1 the claimant, unless the defendant appears at trial. If the court
2 only renders a judgment for restoration of possession of the
3 premises, the claimant shall not be precluded from pursuing a
4 subsequent action for the payment of rent. A judgment for forcible
5 entry and detainer shall not preclude the property owner from
6 pursuing a subsequent action for other monetary relief. Such
7 service shall not be rendered ineffectual by the failure of the
8 defendant to actually see or receive such posted process nor by the
9 failure of the defendant to actually receive or sign a return
10 receipt for such mailed process.

11 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1148.16, as
12 amended by Section 2, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2024,
13 Section 1148.16), is amended to read as follows:

14 Section 1148.16. The summons to be issued in an action for
15 forcible entry and detainer, commonly known as an eviction, shall be
16 in a form developed in plain and understandable language by the
17 Oklahoma Bar Association. The Administrative Office of the Courts
18 shall provide public access to the affidavit by providing a link to
19 the form on the Oklahoma State Courts Network (OSCN) website. The
20 summons shall be delivered no less than ~~three (3)~~ seven (7) days
21 before the scheduled time and date of the court hearing; provided,
22 however, a summons for an action pursuant to subsection C or D of
23 Section 132 of Title 41 of the Oklahoma Statutes shall be delivered
24 no less than three (3) days before the date of trial. This

1 scheduled date and time shall not be less than ~~five (5)~~ ten (10)
2 days nor more than fifteen (15) days from the date the summons is
3 issued; provided, however, the scheduled date and time for an action
4 pursuant to subsection C or D of Section 132 of Title 41 of the
5 Oklahoma Statutes shall not be less than five (5) days nor more than
6 ten (10) days from the date the summons is issued.

7 SECTION 5. This act shall become effective November 1, 2025.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
10 OVERSIGHT, dated 04/17/2025 - DO PASS.
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