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LEGISLATION

SURVEY OF LEGISLATION ENACTED DURING THE SECOND SESSION OF THE 32nd OKLAHOMA LEGISLATURE

CHILDREN

Child—Ch. 226, [1970] Okla. Laws 370, codified as Okla. Stat. tit. 10, \$1101A (Supp. 1970).

-defines "child," and "delinquent child".

Dependent and Delinquent—Ch. 86, [1970] Okla. Laws 108, amending Okla. Stat. tit. 10, \$1101 (Supp. 1969)

—defines the following: "delinquent child," "child in need of supervision," "dependent or neglected child," and "dispositional hearing".

Qustioning—Ch. 226, [1970] Okla. Laws 370, amending Okla. Stat. tit. 10, §1109 (Supp. 1969).

—pertains to questioning of children by law enforcement officers.

CITIES AND TOWNS

Ordinances—Ch. 269, [1970] Okla. Laws 477, amending Okla. Stat. tit. 11, \$672 (1961)

—provides authority to pass ordinances and the penalties which towns of certain sizes may enact.

Publication—Ch. 269, [1970] Okla. Laws 477, codified as Okla. Stat. tit. 11, \$672.1 (Supp. 1970).

—provides for the periodic publication of ordinances.

Zoning, notice—Ch. 325, [1970] Okla. Laws 618, amending Okla. Stat. tit. 11, \$405 (1961), amending Okla. Stat. tit. 11, \$407 (Supp. 1969).

- —authorizes cities and towns to change or repeal regulations, restrictions and boundaries and provides for additional notice.
- —provides variances and exceptions allowed by three members of the Board of Adjustment, and that no notice is required on minor variances and exceptions.

Municipal Courts Not of Record—Ch. 338, Okla. Laws 658,

amending Okla. Stat. tit. 11, §§958.1, 958.6, 958.7, 958.12, 958.14 (Supp. 1969) and §§ 958.9 and 958.13 (1961)

- -provides for municipal courts not of record and prescribes procedure.
- --provides for jury trials in certain cases, and the procedure and selection of jurors.
 - -provides for appeals.
 - —imposes, in certain instances, duties on district attorneys.
- --prescribes procedure for recovery on forfeited appearance bonds.
- —repeals Okla. Stat. tit. 11, §§958.29 and 958.30 (Supp. 1969).

CIVIL PROCEDURE

Alimony and Support Payments — Ch. 60, [1970] Okla. Laws 70, codified as Okla. Stat. tit. 12 \$1290 (Supp. 1970)

—provides that for alimony and support payments the court is required to mail same to the payee if he so requests, and the procedure thereof.

Appeals—Ch. 119, [1970] Okla. Laws 170, amending Okla. Stat. tit. 12, §990 (Supp. 1969)

—provides that record of appeal shall be complete and ready to file not more than six months from order or judgment unless an extension is granted

Appeals, errors—Ch. 88, [1970] Okla. Laws 110, codified as Okla. Stat. tit. 12, §992 (Supp. 1970)

- —provides that errors in perfecting appeal must be raised in trial court and that certain defects in perfecting an appeal may be waived.
- —repeals Okla. Stat. tit. 12, §988 (Supp. 1969), and Okla. Stat. tit. 12, §989 (Supp. 1969).

Attorney's fees—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 12, §936 (Supp. 1969)

—provides that in actions on certain accounts, bills and contracts, attorney's fees will be taxed as costs.

Commencement of action—Ch. 188, [1970] Okla. Laws 316, amending Okla. Stat. tit. 12, §151 (Supp. 1969)

—provides when civil action is commenced generally, and in the specific instances where service is by publication or mailing.

Divorce—Ch. 5, [1970] Okla. Laws 5, amending Okla. Stat. tit. 12, §1280 (Supp. 1969)

—provides time limitation for remarriage and cohabitation after a divorce and method of appeal from a divorce judgment.

Domestic Corporations—Ch. 190, [1970] Okla. Laws 318, amending Okla. Stat. tit. 12, §134 (1961)

—provides that a domestic corporation may be sued in any county where a co-defendant may be sued.

Interlocutory Orders—Ch. 289, [1970] Okla. Laws 523, codified as Okla. Stat. tit. 12, §993 (Supp. 1970)

—provides for appeal from certain interlocutory orders and requires an undertaking to stay certain interlocutory orders pending appeal.

—repeals Okla. Stat. tit. 12 §983 (Supp. 1969), and Okla. Stat. tit. 12, §1558 (1961).

Limitation of actions—Ch. 76, [1970] Okla. Laws 95, amending Okla. Stat. tit. 12, §98 (1961).

- —provides for tolling of the statute of limitations where a defendant absconds or conceals himself notwithstanding certain provisions of the Oklahoma Statutes specifically referred to and others.
- —Ch. 31, [1970] Okla. Laws 34, amending Okla. Stat. tit. 12, \$105 (Supp. 1969)
- —provides that limitation for claims arising outside state are governed by the law of the place where the claim acrued or by the law of this state, whichever is longest.

Medical reports—Ch. 152, [1970] Okla. Laws 212, amending Okla. Stat. tit. 12, §425 (Supp. 1969)

—provides that court shall exclude testimony regarding physical or mental examinations unless the examinee receives a copy of the report.

Partition—Ch. 40, [1970] Okla. Laws 43, amending Okla. Stat. tit. 12, §1501 (1961)

—provides requisites for petition in partition actions and jurisdiction of District Courts.

Process—Ch. 155, [1970] Okla. Laws 214, codified as Okla. Stat. tit. 12, §188 (Supp. 1970)

-provides for service of civil process on Sundays with certain exceptions.

-repeals Okla. Stat. tit. 21, §910 (1961).

Small Claims—Ch. 266, [1970] Okla. Laws 475, amending Okla. Stat. tit. 12, \$1757 (Supp. 1969).

—provides for transfer of an action from the small claims docket to another docket of the court on motion of the defendant.

—Ch. 211, [1970] Okla. Laws 348, amending Okla. Stat. tit. 12, §1760 (Supp. 1969)

—provides for attachment, garnishment, depositions and prohibits new parties or interventions.

Venue—Ch. 190, [1970] Okla. Laws 318, amending Okla. Stat. tit. 12 §1752 (Supp. 1969)

—provides that an action under Small Claims Procedure Act may be brought in the county in which any defendant resides; a non-resident may be a defendant as long as one defendant is a resident.

—provides venue in Small Claims against foreign and domestic corporations.

Witnesses—Ch. 252, [1970] Okla. Laws 423, amending Okla. Stat. tit. 12, §390 (Supp. 1968)

—provides maximum distance that a witness shall be required to travel to testify.

CONSUMER CREDIT CODE

Additional charges — Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §3-202 (Supp. 1969)

-places a limitation on closing costs.

Administration—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §6-104 (Supp. 1969).

-empowers administrator and commission to adopt rules

conforming to the Federal Consumer Credit Protection Act where there is an inconsistency with the Code.

Attorney's fees—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §2-413 (Supp. 1969)

—provides that the agreement may now provide for reasonable attorneys fees, with certain limitations, in consumer credit sales or leases.

—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §3-404 (Supp. 1969)

—provides for reasonable attorney's fees by agreement with certain limitations.

Civil Liability—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §5-203 (Supp. 1969)

-- "creditor" now includes one who offers to arrange or arranges for credit.

Consumer Loans Not Pursuant to Revolving Loan Account —Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §3-306 (Supp. 1969).

Credit Sales Not Pursuant to a Revolving Account—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §2-306 (Supp. 1969)

—pertains to the information required to be given by the seller.

Credit Service Charges—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §2-202 (Supp. 1969)

—provides for additional charges in connection with consumer credit sales.

Information required—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §2-301 (Supp. 1969)

—now includes credit sales of an interest in land or secured by an interest in land as provided by the Federal Act.

—Ch. 282, [1970] Okla. Laws 491, amending Okla. Stat. tit. 14A, §3-301 (Supp. 1969)

—now includes disclosures regarding consumer loans secured by interest in land according to Fed. Act.

Contracts

Interest—Ch. 224, [1970] Okla. Laws 368, codified as Okla.

STAT. tit. 15, §264A (Supp. 1970)

- -defines "interest."
- —Ch. 224, [1970] Okla. Laws 368, amending Okla. Stat. tit. 15, \$266 (1961)
 - -provides for legal and contract rates of interest
 - -repealing Okla. Stat. tit. 15, §271 (1961).

Uniform Minor Student Capacity to Borrow Act—Ch. 215, [1970] Okla. Laws 353, codified as Okla. Stat. tit. 15, §§31-34 (Supp. 1970)

—confers upon minors over the age of sixteen the power to execute enforceable written obligations to secure loans for educational purposes.

-repeals Okla. Stat. tit. 15, §30 (1961).

Unsolicited goods—Ch. 128, [1970] Okla. Laws 182, codified as Okla. Stat. tit. 15, §721, 722 (Supp. 1970)

- —prohibits offers to sell goods where unsolicited and making receipt thereof an unconditional gift.
- —provides that if a member of an organization terminates his membership by giving notice by certified mail, then receipt of goods after this constitutes a gift and if the sender continues to send statements he may be enjoined.

Conveyances

Marketable titles—Ch. 92, [1970] Okla. Laws 116, amending Okla. Stat. tit. 16, §71, 72, 74 & 78 (Supp. 1969)

- —provides that anyone with unbroken chain of title for 30 years shall have marketable title.
- -repeals Okla. Stat. tit. 16, §81 (Supp. 1969). Corporations

Indemnification—Ch. 195, [1970] Okla. Laws 323, codified as Okla. Stat. tit. 18, § 1.43a (Supp. 1970)

-provides for indemnification for certain persons and the manner thereof.

Professional corporations — Ch. 95, [1970] Okla. Laws 121, amending Okla. Stat. tit. 18, § 803 (Supp. 1969) and Okla. Stat. tit. 18 § 808 (1961)

--public accountants and psychologists may now incorporate.

—the restriction of one office is deleted. Counties and County Officers

Planning and zoning—Ch. 324, [1970] Okla. Laws 613, codified as Okla. Stat. tit. 19 §§ 865.51 to 865.09 (Supp. 1970)

—provides for county planning and zoning and authorizes County Planning Commission and Board of Adjustment.

—determines territorial jurisdiction and provides for powers, duties, functions and procedure for commission and board

—provides for appeals and public hearings.

Courts

Court of Appeals—Ch. 247, [1970] Okla. Laws 403, amending Okla. Stat. tit. 20, § 30.1 (Supp. 1969) and adding new sections, codified as Okla. Stat. tit. 20, §§ 30.2 to 30.13 (Supp. 1970)

—creates the Court of Appeals and provides for two permanent divisions.

—provides for procedure and practice and prescribes qualifications of judges, election, and filling of vacancies.

Municipal Criminal Courts—Ch. 174, [1970] Okla. Laws 276, amending Okla. Stat. tit. 11, §§ 781, 782, 783, 785, 786, 794, 804, and 808 (Supp. 1969)

—creates municipal courts of record in cities of more than 125,000.

—provides, *inter alia* procedure of jury selection and their number; restricts courts' authority to ordinance violations; limits court to criminal jurisdictions.

-repeals Okla. Stat. tit. 11, § 791 (1961)

Special Judges Defaults—Ch. 79, [1970] Okla. Laws 99, amending Okla. Stat. tit. 20, § 123 (Supp. 1969)

—enlarges the jurisdiction of Special Judges allowing them to hear actions where the amount claimed does not exceed Twenty Five Hundred Dollars (\$2,500.00) and certain default matters.

CRIMES AND PUNISHMENT

Campus disturbances—Ch. 170, [1970] Okla. Laws 249, amending Okla. Stat. tit. 21, §§ 1373, 1374 (Supp. 1969)

-providing that the refusal of certain individuals, on re-

quest, to leave the campus of any college, university or public school is a misdemeanor.

Credit Card Act—Ch. 258, [1970] Okla. Laws 435, codified as Okla. Stat. tit. 21, §§ 1550.21—1550.38 (Supp. 1970)

—defines certain offenses such as theft, use, forgery, fraud and other activities connected with credit cards, and prescribing penalties.

Fraudulent claims against state—Ch. 151, [1970] Okla. Laws 211, codified as Okla. Stat. tit. 21, § 358, 359 (Supp. 1970)

provides that asserting a false claim against the state is a felony.

Non-intoxicating beverages—Ch. 290, [1970] Okla. Laws 524, codified as Okla. Stat. tit. 21, § 1220 (Supp. 1970)

—makes it a misdemeanor to transport beverages containing between one-half percent and 3.2 percent of alcohol except in the original, unopened container, unless it is placed in the rear trunk.

Obscene materials, mailing—Ch. 91, [1970] Okla. Laws 115, amending Okla. Stat. tit. 21, § 1040.8 (1961)

—provides that the offense of mailing obscene materials is complete when placed in a post office or given to anyone with the intent that it be forwarded.

Statutes governing — Ch. 199, [1970] Okla. Laws 335, amending Okla. Stat. tit. 21, § 11 (1961)

—providing that statutes making specific acts a crime take priority over general provisions.

-repeals Okla. Stat. tit. 21, § 23 (1961).

Vehicle rentals and bogus checks—Ch. 84, [1970] Okla. Laws 105, codified as Okla. Stat. tit. 21, § 1521 (Supp. 1970)

—provides that where a person leases a vehicle for less than sixty (60) days and who pays with a bogus check for twenty dollars (\$20.00) or less is guilty of a misdemeanor; if for more than twenty dollars (\$20.00) then he is guilty of a felony.

-provides for the respective penalties.

CRIMINAL PROCEDURE

Magistrates—Ch. 247, [1970] Okla. Laws 403, amending Okla. Stat. tit. 22, § 162 (Supp. 1969)

-provides who are magistrates.

Post-conviction Procedure Act—Ch. 220, [1970] Okla. Laws 360, codified as Okla. Stat. tit. 22, §§ 1080-1088 (Supp. 1970)

-provides certain remedies for persons convicted of crimes, procedure for presenting evidence.

-repeals Okla. Stat. tit. 22, § 1073 (Supp. 1969).

Right of Appeal—Ch. 157, [1970] Okla. Laws 216, amending Okla. Stat. tit. 22, § 1051 (Supp. 1969)

—provides for certain rights of appeal to convicted defendants and procedure for filing appeal.

-repeals Okla. Stat. tit. 22, § 1075 (Supp. 1969).

Witnesses—Ch. 193, [1970] Okla. Laws 321, codified as Okla. Stat. tit. 22 § 719 (Supp. 1970)

—provides that a person held as a material witness in a criminal proceeding or investigation shall be taken before a judge of the District Court and informed of his Constitutional rights, and affords certain rights.

Sentence—Ch. 312, [1970] Okla. Laws 571, amending Okla. Stat. tit. 22, § 991a (Supp. 1969)

—authorizes court, where defendant is convicted, to suspend execution of sentence with or without probation.

—provides for probationary supervision not to exceed five years.

Deferred judgment—Ch. 312, [1970] Okla. Laws 571, codified as Okla. Stat. tit. 22, § 991c (Supp. 1970)

—provides for deferred judgment with consent of defendant and that he may be placed on probation not to exceed two years after which the defendant shall be discharged.

DEFINITIONS AND GENERAL PROVISIONS

Human Rights Commission—Ch. 186, [1970] Okla. Laws 311, amending Okla. Stat. tit. 25, § 1501 (Supp. 1968)

—provides for making of rules under which certain members of the commission may hear complaints, subject to review by the commission.

INITIATIVE AND REFERENDUM

Petitions—Ch. 185, [1970] Okla. Laws 309, amending Okla. Stat. tit. 34 §§ 4 and 8 (1961)

—provides *inter alia* for filing and binding of petitions; time of filing; notice and protest; jurisdiction of the Supreme Court.

INSURANCE

Premiums—Ch. 154, [1970] Okla. Laws 213, codified as Okla. Stat. tit. 36, § 4030 (Supp. 1970)

—provides manner of payment of premiums on single premium life insurance and annuity contracts.

MARRIAGE

Persons who may contract—Ch. 131, [1970] Okla. Laws 186. amending Okla. Stat. tit. 43, § 3 (Supp. 1969)

—provides conditions for issuance of marriage licenses to females under fifteen and males under eighteen.

Motor Vehicles

Speed limits—Ch. 336, [1970] Okla. Laws 652, amending Okla. Stat. tit. 47, § 11-801 (Supp. 1969)

—prescribes basic rule for maximum and minimum speed and maximum limits and requiring the marking of certain school zones.

PROBATE PROCEDURE

Judgment Creditor of Heir—Ch. 171, [1970] Okla. Laws 250, codified as Okla. Stat. tit. 58, § 634.1 (Supp. 1970)

—provides additional rights of judgment creditor of heirs, legatees or devisees.

Petitions—Ch. 218, [1970] Okla. Laws 357, amending Okla. Stat. tit. 58, §§ 25, 128 (Supp. 1969)

- -pertaining to notice of hearing petition for probate of will.
- -pertaining to notice of hearing petition for letters of administration.

Sales of Lands—Ch. 120, Okla. Laws 171, amending Okla. Stat. tit. 58, § 419 (1961)

—the order of sale must describe the lands and terms of

sale and the sale may be for cash or for one-fourth cash and the balance on credit.

Sale of Real Estate—Ch. 182, [1970] Okla. Laws 305, amending Okla. Stat. tit. 58, § 426 (Supp. 1969)

—provides for a return of proceedings by an execution or administrator after sale and a hearing for the return.

Summary Administration—Ch. 98, [1970] Okla. Laws 124, amending Okla. Stat. tit. 58, § 241 (1961)

—provides for summary administration where estate does not exceed \$5,000.00.

PROFESSIONS AND OCCUPATIONS

Bail Bondsmen—Ch. 191, [1970] Okla. Laws 319, amending Okla. Stat. tit. 59, § 1324 (Supp. 1969)

—provides method of valuation of property used for bond and that any property subject to execution shall be accepted for security on a property bond for the market value of the property.

Bail, forfeiture, penalty—Ch. 72, [1970] Okla. Laws 92, amending Okla. Stat. tit. 59, § 1335 (Supp. 1969)

—provides for a penalty or fine for one who incurs a forfeiture of bail and fails to surrender himself within thirty days.

PUBLIC HEALTH AND SAFETY

Solid Waste Management Act—Ch. 69, [1970] Okla. Laws 81, codified as Okla. Stat. tit. 63, § 2251-2265 (Supp. 1970)

—provides for an advisory committee; requires permit in certain instances; empowers Board of Health to adopt and promulgate rules; provides for enjoining of violations and penalties therefore.

Narcotic Drugs—Ch. 87, [1970] Okla. Laws 109, amending Okla. Stat. tit. 63, § 469.1 (1961)

—defines the term "regulated drugs" to include amphetamines or other stimulants, narcotic drugs, marijuana, or barbiturates.

Motor boats and vessels—Ch. 158, [1970] Okla. Laws 217, amending Okla. Stat. tit. 63, §§ 805, 806, 810, 811, 813, 814, 817 (1961), and § 819 as amended (Supp. 1969)

- —transfers duties and authority of the Industrial and Park Department to the Department of Public Safety.
- —provides, *inter alia*, for classes of motor boats, the lighting and equipment thereof; procedure upon collision; and jurisdiction of the Grand River Dam Authority.
 - -repeals Okla. Stat. tit. 63, § 818 (1961).

RAILROADS

Condemnation—Ch. 322, [1970] Okla. Laws 606, amending Okla. Stat. tit. 66, § 55 (1961)

- -provides for manner, notice, method and time for filing exception and demand for jury trial.
 - -amending Okla. Stat. tit. 69, § 1203 (Supp. 1969).
- —provides for manner, notice, method and time for filing exceptions and demand for jury in cases where State Highway Department seeks to condemn.

REGISTRATION

Judges, Separate Ballots, Elections—Ch. 247, [1970] Okla Laws 403, amending Okla. Stat. tit. 26, §§ 162i, 162m, 162o and 227.1 (Supp. 1969)

- —provides for filing of notification and declaration of candidacy of certain judges.
- —provides for separate ballots for judges candidates and for no political designation.
- —provides for separate ballots for certain categories of candidates in general elections.
 - -providing the applicable election laws.

REVENUE AND TAXATION

- —Appeals Ch. 189, [1970] Okla. Laws 317, amending Okla. Stat. tit. 68 §§ 24107, 24108 (Supp. 1969)
- -provides who may appeal and the time and manner of perfecting the record on appeal.

Stock options—Ch. 74, [1970] Okla. Laws 94, amending Okla. Stat. tit. 68, § 2310 (Supp. 1969)

—provides that income and claim or loss on certain stock options will be recognized to the extent recognized for Federal income tax purposes.

Collections — Ch. 299, [1970] Okla. Laws 550, amending Okla. Stat. tit. 68, §§ 24304-24306, and 24308 (Supp. 1969)

- —provides that taxes on real property will be a lien for 15 years.
- —provides for collection of delinquent personal property taxes and penalties, and for the release of personal property tax liens.
- —repeals Okla. Stat. tit. 68, §§ 24307, 24309, 24310 (Supp. 1969).

SCHOOLS

Suspension of Pupils — Ch. 331, [1970] Okla. Laws 640, amending Okla. Stat. tit. 70, § 20-1 (1961)

—provides authority to principal teacher to suspend and expel child where his use or possession of dangerous weapons or drugs jeopardizes safety of others.

U. C. C.

Commercial Paper — Ch. 246, [1970] Okla. Laws 398, amending Okla. Stat. tit. 12A, § 3-501 (1961)

—broadens area wherein protest of dishonor of a draft is necessary.

General provisions—Ch. 246, [1970] Okla. Laws 398, codified as Okla. Stat. tit. 12A, § 1-209 (Supp. 1970)

-pertains to subordination of obligations.

Investment securities—Ch. 246, [1970] Okla. Laws 398, amending Okla. Stat. tit. 12A, §§ 8-102, 8-313 (1961), and adding new section codified as § 8-320 (Supp. 1970)

- -defines "clearing corporation" and "custodian bank."
- —provides that delivery occurs when appropriate entries are made on a clearing corporations' books.
- —provides that where a security is part of a fungible bulk, the purchaser is owner of a proportionate interest thereof.

Sales—Ch. 246, [1970] Okla. Laws 398, amending Okla. Stat. tit. 12A, § 2-702 (1961)

—provides that seller's right to reclaim goods sold to an insolvent does not extend to a lien holder.

Secured transactions — Ch. 246, [1970] Okla. Laws 398, codified as Okla. Stat. tit. 12A, §§ 9-401A (Supp. 1970)

—prescribes duties of county clerk and fixes the fees for filing, recording and indexing of financing statements.

Warehouse receipts — Ch. 246, [1970] Okla. Laws 398, amending Okla. Stat. tit. 12A, § 7-209 (1961). Workman's Compensation

Benefits—Ch. 239, [1970] Okla. Laws 382, amending Okla. Stat. tit. 85. § 13 (1961)

—provides that no compensation be given for the first five days of disability except as provided in § 14 of this title, unless disability continues past five days in which case, compensation is computed from the date of disability.

Litigation fee—Ch. 12, [1970] Okla. Laws 13, amending Okla. Stat. tit. 85, § 93 (Supp. 1968)

—provides for a five dollar (\$5.00) fee payable by party against whom award becomes final thereby doing away with deposit fee.

Schedule—Ch. 318, [1970] Okla. Laws 585, amending Okla. Stat. tit. 85, § 22 (Supp. 1969)

—provides schedule of compensation for injuries, and benefits in the event of death.