

# Tulsa Law Review

---

Volume 8 | Number 2

---

Fall 1972

## Minors and Adults--Rights and Obligations: Okla. Sess. Laws 1972, Ch. 221

Gary L. Putnam

Follow this and additional works at: <https://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

---

### Recommended Citation

Gary L. Putnam, *Minors and Adults--Rights and Obligations: Okla. Sess. Laws 1972, Ch. 221*, 8 Tulsa L. J. 268 (1972).

Available at: <https://digitalcommons.law.utulsa.edu/tlr/vol8/iss2/11>

This Casenote/Comment is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact [megan-donald@utulsa.edu](mailto:megan-donald@utulsa.edu).

MINORS AND ADULTS — RIGHTS AND  
OBLIGATIONS:

OKLA. SESS. LAWS 1972, CH. 221.

A "majority rights" law, effective August 1, 1972, was enacted by the Thirty-third Legislature of Oklahoma during the second regular session of 1972.<sup>1</sup>

The term "minors", previously defined by Oklahoma statute as males under the age of twenty-one years and females under the age of eighteen years,<sup>2</sup> was amended to eliminate the statutory discrimination between the sexes. The age of majority for males was lowered to eighteen years to correspond with the standard for females.<sup>3</sup> This change extends to all sections of the Oklahoma statutes where the terms "minor" or "majority" are used,<sup>4</sup> unless otherwise provided.

Under both the amended and the previous statute only persons eighteen years of age or older are authorized to make contracts relating to real property or personal property not in their immediate possession or control.<sup>5</sup> However, under the provisions of the old law, a male, unlike a female, was still regarded as a minor between the ages of eighteen and twenty-one and was thus able to disaffirm contracts made during this period. The new law<sup>6</sup> eliminates this distinction

<sup>1</sup> Ch. 221, §§ 1 to 11, Okla. Sess. Laws 1972, at 332.

<sup>2</sup> OKLA. STAT. tit. 15, § 13 (1971), *as amended*, ch. 221, § 1, Okla. Sess. Laws 1972, at 332.

<sup>3</sup> Ch. 221, § 1, Okla. Sess. Laws 1972, at 332.

<sup>4</sup> *See, e.g.*, OKLA. STAT. tit. 10, §§ 5, 6, 10, 16, 18, 21, 60.1 (1971); OKLA. STAT. tit. 12, §§ 1277, 1631, 1701.03 (1971); OKLA. STAT. tit. 15, §§ 11, 26, 27 (1971); OKLA. STAT. tit. 16, § 11 (1971); OKLA. STAT. tit. 18, §§ 1.63, 1.120 (1971); OKLA. STAT. tit. 21, §§ 1041, 1043, 1241, 1273 (1971); OKLA. STAT. tit. 22, § 315 (1971); OKLA. STAT. tit. 30, § 11 (1971).

<sup>5</sup> Ch. 221, § 2, Okla. Sess. Laws 1972, at 332, *amending* OKLA. STAT. tit. 15, § 17 (1971).

<sup>6</sup> Ch. 221, § 2, Okla. Sess. Laws 1972, at 332.

by putting the male on the same footing as the female. A minor may still disaffirm authorized contracts, however, either before his majority or within one year thereafter.<sup>7</sup>

While this change is important, sex discrimination does continue in other areas. For the purposes of statutes regulating the sale of beer,<sup>8</sup> a "minor" continues to be defined as a female under eighteen years and a male under twenty-one years.<sup>9</sup> With respect to the capacity to marry without parental consent, the minimum age is eighteen years for females and twenty-one years for males.<sup>10</sup> With parental consent, the minimum age is eighteen years for males and fifteen years for females, unless otherwise authorized by the courts in specific situations.<sup>11</sup>

In light of the recent decision of *Lamb v. Brown*,<sup>12</sup> it appears that the constitutionality of any statutory discrimination based on sex is suspect. In *Lamb* an Oklahoma statute<sup>13</sup> allowing females under eighteen years of age the benefits of juvenile court proceedings while limiting the same benefits to males under sixteen years of age was ruled to be violative of the equal protection clause of the United States Constitution. It is apparent that the same reasoning would apply to the statutes regulating the sale of beer and the minimum ages for marriage.

*Gary L. Putnam*

<sup>7</sup> Ch. 221, § 3, Okla. Sess. Laws 1972, at 333.

<sup>8</sup> OKLA. STAT. tit. 37, §§ 241, 243 (1971).

<sup>9</sup> Ch. 221, § 9, Okla. Sess. Laws 1972, at 334.

<sup>10</sup> OKLA. STAT. tit. 43, § 3 (1971).

<sup>11</sup> *Id.*

<sup>12</sup> 456 F.2d 18 (10th Cir. 1972.)

<sup>13</sup> OKLA. STAT. tit 10, § 1101 (1971), *as amended*, ch. 122, § 1, Okla. Sess. Laws 1972, at 143.