

1966

## Survey of Legislation Enacted by the Oklahoma Legislature at the 1965 Regular Session

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## LEGISLATION

### SURVEY OF LEGISLATION ENACTED BY THE OKLAHOMA LEGISLATURE AT THE 1965 REGULAR SESSION\*

#### AGRICULTURE

*Imported Meats*—2 Okla. Stat. §§ 2-13 to 2-18 (Supp. 1965)

—requires posting notice if imported meats are sold or served in a store or restaurant.

*Out of State Sellers*—2 Okla. Stat. § 7-7 (Supp. 1965)

—requires licensing of out of state sellers of frozen dairy products.

#### ANIMALS

*Open Range*—4 Okla. Stat. § 98 (Supp. 1965)

—prohibits open range.

#### ATTORNEYS AND STATE BAR

*Attorney of Record*—5 Okla. Stat. § 5 (Supp. 1965)

—amends this section to require any attorney working on litigation to be made an attorney of record.

*Sureties*—5 Okla. Stat. § 11 (Supp. 1965)

—expands prohibition on an attorney becoming a surety to include his spouse and certain others acting for him.

#### BANK AND TRUST COMPANIES

*State Banking Code*—6 Okla. Stat. §§ 101-1503 (Supp. 1965)

—revises laws governing state chartered banks. The laws are amended, obsolete provisions deleted and recodified under the Oklahoma Banking Code.

—makes state regulations more nearly regulations for federal banks.

—brings laws up to date thus making state banks more competitive with federal banks.

—creates a new court, the Court of Bank Review.

#### CHILDREN

*Juvenile Rehabilitation*—10 Okla. Stat. § 114.6 (Supp. 1965)

—authorizes juvenile courts to rehabilitate juvenile offenders through court supervised work projects.

*Parent-Child Relationship*—10 Okla. Stat. §§ 471-475 (Supp. 1965)

—new sections defining parent-child relationship and setting out how it can be terminated.

\* TULSA LAW JOURNAL Vol. 2, No. 2, page 190 (1965) for legislation enacted at the 1965 regular session prior to March 3, 1965. See Oklahoma Session Law Service page A-113 for table correlating title and section numbers with Session Law Chapter.

## CITIES AND TOWNS

*Annexation*—11 Okla. Stat. § 482 (Supp. 1965)

—provides that a city annexing adjacent territory cannot impose city taxes on tracts of land in excess of five acres if said tract is used for farming unless the usual city services are provided.

—provides that tracts in excess of 40 acres used for industrial purposes are not subject to municipal taxes.

*City Court Judges*—11 Okla. Stat. § 956.4 (Supp. 1965)

—amends section to eliminate provision that a judge of city courts in cities of from 27,000 to 34,000 have practiced law for 3 years.

*Torts*—11 Okla. Stat. §§ 1751-1766 (Supp. 1965)

—establishes liability for torts arising out of either governmental or proprietary functions of cities of over 200,000 population.

## CIVIL PROCEDURE

*Abatement*—12 Okla. Stat. §§ 1052, 1080-1085 (Supp. 1965)

—rewrites sections dealing with abatement of civil actions on the death of a party.

—provides specific provisions for dissolved partnerships and other specific situations such as death after judgment.

*Admissions*—12 Okla. Stat. § 504 (Supp. 1965)

—essentially codifies Rule 36 of the Federal Rules of Civil Procedure as to requesting admissions of facts and of the genuineness of documents.

*Alimony Payments*—12 Okla. Stat. § 1289 (Supp. 1965)

—permits a judge in his discretion to provide in the divorce decree that periodic alimony payments will terminate on the death or remarriage of the person receiving the payments.

*Appeal*—12 Okla. Stat. §§ 988, 989 (Supp. 1965)

—requires errors in perfecting an appeal to be raised promptly.

*Appeal*—12 Okla. § 990 (Supp. 1965)

—new section providing an additional means of lodging an appeal in the Supreme Court of Oklahoma.

*Attorney Fees*—12 Okla. Stat. § 937 (Supp. 1965)

—new section allowing attorneys' fees in suits on insufficient checks to be taxed as costs.

*Depositions*—12 Okla. Stat. § 390 (Supp. 1965)

—amended to allow introducing deposition of a person from an adjoining county in evidence.

*Depositions*—12 Okla. Stat. § 434 (Supp. 1965)

—amends section to provide for taking depositions 10 days after issuance of summons.

*Discovery*—12 Okla. Stat. § 548 (Supp. 1965)

—provides for discovery and production of documents for copying. This is essentially a codification of Rule 34 of the Federal Rules of Civil Procedure.

*Divorce Venue*—12 Okla. Stat. § 138 (Supp. 1965)

—allows filing for divorce in the county of defendant's residence.

—allows filing action for separate maintenance in county of residence of either plaintiff or defendant.

*Execution*—12 Okla. Stat. §§ 841, 842, 844, 848-850, 857, 860, 862 (Supp. 1965)

—defines judgment debtor's property which can be reached after judgment.

—provides for ordering debtor to pay installments from earnings.

*Execution*—12 Okla. State. § 769 (Supp. 1965)

—allows execution sales to be had at the place designated by the judge having jurisdiction over the proceedings.

*Garnishment*—12 Okla. Stat. §§ 1171-1184, 1190, 1194 (Supp. 1965)

—revises garnishment procedure before courts of record.

—provides for notice to defendant.

—reduces time for garnishee to answer from 20 to 10 days.

—authorizes examination of garnishee by interrogatory.

—provides reasonable attorney fee be taxed as costs in place of a fixed \$25.

*Interrogatories*—12 Okla. Stat. § 549 (Supp. 1965)

—essentially codifies Rule 33 of the Federal Rules of Civil Procedure as to interrogatories except leave of the court must be had if done within 30 days after commencement of the action.

*Interstate and International Procedure*—12 Okla. Stat. §§ 1701.01-1706.04 (Supp. 1965)

—enacts Uniform Interstate and International Procedures Act which defines basis for jurisdiction of the court, sets out procedure for obtaining service and taking depositions outside the state and provides for proof of official records.

*Medical Examination*—12 Okla. Stat. § 425 (Supp. 1965)

—allows any person required to submit to a medical examination in connection with any claim, to demand a report of the results of the examination at the same time the results are given to the court or adverse party.

*Money Judgments*—12 Okla. Stat. §§ 710-718 (Supp. 1965)

—new section enacting the Uniform Foreign Money Judgments Act, which sets out grounds for recognition or non-recognition of foreign money judgments.

*Set Off*—12 Okla. Stat. § 324 (Supp. 1965)

—expands the use of a set off to any action in which a recovery of money is sought, thus making state procedure more like federal procedure in this respect.

*Statute of Limitations*—12 Okla. Stat. §§ 104-108 (Supp. 1965)

—enacts Uniform Statute of Limitations on Foreign Claims Act which provides that the law that first bars the claim is applicable.

*Venue*—12 Okla. Stat. §§ 142, 143 (Supp. 1965)

—expands the venue in an action on an open account to the county in which the debt was contracted or the instrument given.

—allows summons in such cases to issue in any other county in Oklahoma for service upon the defendant.

*Witnesses*—12 Okla. Stat. § 383 (Supp. 1965)

—provides for calling an adverse party or his agent as a witness in a civil trial and treating him as a hostile witness.

#### CONGRESSIONAL AND LEGISLATIVE DISTRICTS

*Congressional Redistricting*—14 Okla. Stat. § 2 (Supp. 1965)

—redistricts congressional districts into districts substantially equal in population. The emergency clause did not pass and a petition is being filed to suspend the law.

*Legislative Apportionment*—14 Okla. Stat. §§ 79, 107 (Supp. 1965)

—reapportions the Oklahoma Senate and Oklahoma House of Representatives districts. This law follows the federal order under which present legislative districts are drawn except that separate legislative districts are created in all counties which are entitled to more than one representative.

#### CONTRACTS

*Disaffirmance by Minor*—15 Okla. Stat. § 19 (Supp. 1965)

—amends section to provide that a minor between the ages of 16 and 18 must restore consideration to the party from whom it was received before disaffirming a contract for repairing or equipping an automobile.

#### CONVEYANCES

*Vendor and Purchase Risk*—16 Okla. Stat. §§ 201-203 (Supp. 1965)

—enacts Uniform Vendor and Purchaser Risk Act. This act determines the rights of parties to a contract for the purchase of realty in event of the destruction of the subject matter of the contract.

#### COUNTIES AND COUNTY OFFICERS

*District Attorneys*—19 Okla. Stat. §§ 215.1-125.20 (Supp. 1965)

—abolishes office of county attorney and creates district attorneys with districts generally corresponding to the State District Court Judicial Districts.

#### COURTS

*Administrative Zones*—20 Okla. Stat. § 23, 24 (Supp. 1965)

—authorizes the Oklahoma Supreme Court to form administrative zones comprised of several District Court Judicial Districts. A Chief Judge can be selected who may assign District and Superior Court Judges cases outside their district but within the zone.

#### CRIMES AND PUNISHMENT

*Assault on Police Officers*—21 Okla. Stat. §§ 648, 649 (Supp. 1965)

—creates separate section with regard to assault which is specific to assaults on Police officers. Such offense is made a misdemeanor.

*Attempt*—21 Okla. Stat. § 44 (Supp. 1965)

—defines "attempt" with regard to attempts to commit a crime.

*Bogus Checks*—21 Okla. Stat. §§ 1854-1857 (Supp. 1965)

—creates separate section with regard to obtaining money by trick or deception which is specific to passing insufficient checks.

—creates three categories in place of the two in 21 Okla. Stat. § 1541 (1961). Less severe penalty imposed for the first offense with greater penalties for second and third offenses.

—old law not repealed so the prosecuting officer can choose which statute he desires to bring charges under.

*Child Abuse*—21 Okla. Stat. §§ 845-848 (Supp. 1965)

—new section providing for mandatory reporting of physical abuse of children.

—grants immunity to any one in good faith making such a report.

—provides that evidence of the condition of the child cannot be excluded on the ground of a physician-patient privilege.

*Child Molestation*—21 Okla. Stat. § 1123 (Supp. 1965)

—expands prohibition against child molestation to include males over 16 and females over 18 provided the accused is at least 5 years older than the victim.

*Misrepresentation of Age*—21 Okla. Stat. §§ 1518-1520 (Supp. 1965)

—makes it unlawful to misrepresent age for the purpose of violating any statute of the State of Oklahoma.

*Perjury*—21 Okla. Stat. §§ 491, 496, 498, 499, 504 (Supp. 1965)

—broadens the crime of perjury to include matter which is not material to the case and to include contradictory statements.

*Police Frequency Radios*—21 Okla. Stat. § 1214 (Supp. 1965)

—expands prohibition on unauthorized persons operating a radio capable of receiving on police frequencies to sets on or about the person.

*Rape*—21 Okla. Stat. § 1115 (Supp. 1965)

—reduces the minimum sentence for first degree rape from 15 to 5 years.

*Telecommunications Services*—21 Okla. Stat. §§ 1515-1517 (Supp. 1965)

—prohibits schemes to transmit messages via telephone without incurring a charge or to otherwise defraud telecommunications services.

#### CRIMINAL PROCEDURE

*Assigned Defense Counsel*—22 Okla. Stat. § 1271 (Supp. 1965)

—raises the maximum compensation for court appointed attorneys in counties under 200,000 population from \$100 to \$250 for each case.

*Appeal by Indigents*—22 Okla. Stat. § 1074 (Supp. 1965)

—provides for court appointed counsel for indigent defendants to perfect an appeal.

*Bail Jumping*—22 Okla. Stat. § 1110 (Supp. 1965)

—makes jumping bail a felony.

*Second Offense*—22 Okla. Stat. § 860 (Supp. 1965)

—amends second offense act to require the jury to find as a matter of fact that the former conviction occurred and then to set the punishment.

*Suspension of Judgment*—22 Okla. Stat. § 994 (Supp. 1965)

—provides for suspension of judgment in criminal cases by the trial court after the conviction is affirmed on appeal.

*Time for Appeal*—22 Okla. Stat. § 1073 (Supp. 1965)

—provides for appeal in criminal cases after the original time for appeal has expired if the appellant's constitutional rights to appeal have been violated.

#### DEBTOR AND CREDITOR

*Fraudulent Conveyance*—24 Okla. Stat. §§ 101-111 (Supp. 1965)

—new section enacting the Uniform Fraudulent Conveyance Act which sets out when a conveyance is a fraud on creditors.

#### HOMESTEAD AND EXCEPTIONS

*Execution*—31 Okla. Stat. § 1.1 (Supp. 1965)

—repeals 12 Okla. Stat. § 851 (1961) and 39 Okla. Stat. § 300 (1961) relating to exemptions of earnings from execution or garnishment and recodifies the substance of these provisions under Homestead and Exceptions.

#### INSURANCE

*Investments*—36 Okla. Stat. §§ 1602-1612, 1614, 1615, 1616, 1622, 1624 (Supp. 1965)

—expands slightly the permissible investments of insurance companies.

#### JUSTICES AND CONSTABLES

*Garnishment Procedure*—39 Okla. Stat. §§ 350.1-350.18 (Supp. 1965)

—revises garnishment procedure before justices and constables.

—provides for answer of garnishee and for default judgment upon failure to answer.

—provides for mutual defense by garnishee and defendant.

—provides for examination of garnishee by deposition or interrogatory.

#### LABOR

*Discriminatory Wages*—40 Okla. Stat. §§ 198.1, 198.2 (Supp. 1965)

—prohibits discrimination based on sex in payment of wages.

*Minimum Wage*—40 Okla. Stat. §§ 197.1-197.15 (Supp. 1965)

—enacts state minimum wage of \$1.00 per hour.

—provides for numerous exceptions.

*Prevailing Wage*—40 Okla. Stat. §§ 196.1-196.12 (Supp. 1965)

—requires payment of at least the prevailing wages for work of a similar character to workmen employed by or on behalf of any public

body engaged in the construction of public works.

#### MORTGAGES

*Indefinite References*—46 Okla. Stat. §§ 201-204 (Supp. 1965)

—limits the effectiveness of an indefinite reference to a mortgage in a subsequent deed or mortgage.

#### MOTOR VEHICLES

*Arrest Bonds*—47 Okla. Stat. § 701 (Supp. 1965)

—authorizes automobile clubs or insurance companies to issue guaranteed arrest bond certificates which a driver can post in lieu of bond for all traffic violations except driving while intoxicated.

*Equipment Safety Compact*—47 Okla. Stat. § 721 (Supp. 1965)

—commits Oklahoma to a multistate compact to promote traffic safety by cooperating to achieve uniformity of law and standards for equipment.

*Seat Belts*—47 Okla. Stat. §§ 12-413 to 12-415 (Supp. 1965)

—new section requiring seat belts on all new cars commencing with the 1966 models.

#### OIL AND GAS

*Abandoned Wells*—52 Okla. Stat. §§ 309-317 (Supp. 1965)

—requires replugging of abandoned oil wells which are causing pollution.

#### PARTNERSHIP

*Transfer of Property*—54 Okla. Stat. §§ 208, 210 (Supp. 1965)

—validates certain transfers of real property to or from a partnership if otherwise valid.

#### PROFESSIONS AND OCCUPATIONS

*Bail Bondsmen*—59 Okla. Stat. §§ 1301-1340 (Supp. 1965)

—provides for licensing of all bail bondsmen.

*Social Workers*—59 Okla. Stat. §§ 1251-1273 (Supp. 1965)

—requires registration of all social workers.

#### PROBATE PROCEDURE

*Claims*—58 Okla. Stat. § 331 (Supp. 1965)

—reduces from 4 months to 2 months the time for presenting to the executor claims against the estate of a deceased person.

*Estate Tax Apportionment*—58 Okla. Stat. §§ 2001-2011 (Supp. 1965)

—enacts the Uniform Estate Tax Apportionment Act.

*Power of Attorney*—58 Okla. Stat. §§ 1051-1061 (Supp. 1965)

—allows one to execute a power of attorney in anticipation of, or because of, an infirmity. It is executed under the supervision of the County Judge.

*Will Contest*—58 Okla. Stat. § 67 (Supp. 1965)



—reduces the time for contesting the validity of a will from 6 months to 3 months.

#### PROPERTY

*Charitable Trusts and Devises*—60 Okla. Stat. §§ 601, 602 (Supp. 1965)

—defines charity and codifies cy pres doctrine.

#### PUBLIC HEALTH AND SAFETY

*Autopsy*—63 Okla. Stat. §§ 937, 944 (Supp. 1965)

—amends laws relating to autopsy to permit medical examiner to take blood, fluid, or other body waste specimens from deceased as the examiner deems necessary without securing an autopsy permit.

*Housing Authority*—63 Okla. Stat. §§ 1051-1082 (Supp. 1965)

—creates a housing authority in each city and county.

—provides that said authority shall not act unless the governing body of said city or county determines a need for said authority.

—allows the people in the area affected to initiate or suspend any project by initiative petition.

*Narcotic Drugs*—63 Okla. Stat. § 465.19 (Supp. 1965)

—amends section to make illegal sale of barbiturates a felony on the first offense.

#### RECORDS

*Preservation of Private Business Records*—67 Okla. Stat. §§ 251-256 (Supp. 1965)

—new section enacting the Uniform Preservation of Private Business Records Act.

#### REVENUE AND TAXATION

*Alimony Payments*—68 Okla. Stat. § 920 (Supp. 1965)

—provides that alimony and separate maintenance under certain conditions are taxable income to the wife and deductible by the husband.

*Estate Tax*—68 Okla. Stat. §§ 801-825 (Supp. 1965)

—revises laws relating to estate tax. Amends these laws, deletes obsolete provisions, and recodifies them under the Oklahoma Tax Code.

—changes the name from inheritance tax to estate tax which is the correct term for this type of tax.

*Miscellaneous*—68 Okla. Stat. §§ 101+ (Supp. 1965)

—revises laws relating to ad valorem tax, city taxes, income tax, tobacco tax, state tax, Uniform Procedure Act, General 1943 Tax Refund Act and the tax commission. Amends these laws, deletes obsolete provisions, and recodifies them as a part of the Oklahoma Tax Code.

#### ROADS, BRIDGES AND FERRIES

*Junk Yards*—69 Okla. Stat. §§ 145-147 (Supp. 1965)

—requires junk yards to be set back 50 feet from the road and screened from view.

## SCHOOLS

*Higher Education Code*—70 Okla. Stat. §§ 3101-4311 (Supp. 1965)

—repeals conflicting laws and codifies all higher education laws under the Oklahoma Higher Education Code. No significant changes made except that this makes Oklahoma the first state to have a unified higher education code.

*Public School Foundation Act*—70 Okla. Stat. §§ 18-1A to 18-15A (Supp. 1965)

—rewrites laws concerning financing public schools in an effort to make the law less complex and more equitable.

—drastically revises the formula for state aid. The new formula is based to a large measure simply on the number of pupils in each district.

—drafted so as to provide incentive for good management at the local level.

## TORTS

*Liability of Land Owners*—76 Okla. Stat. §§ 10-15 (Supp. 1965)

—relieves owners of property of any liability for injury to persons entering said property for recreational purposes such as hunting and fishing unless a charge is made or there is wilful or malicious negligence.

## TRADE MARKS AND LABELS

*Deceptive Trade Practices*—78 Okla. Stat. §§ 51-55 (Supp. 1965)

—defines certain unfair trade practices and provides injunctive relief to one likely to be damaged by such practice.

—provides that this is an additional remedy and does not limit rights at common law or under other statutes.

## WORKMEN'S COMPENSATION

*Hazardous Employments*—85 Okla. Stat. § 2 (Supp. 1965)

—includes sanitation and garbage departments and fire departments within provisions for hazardous employment.

*Payments*—85 Okla. Stat. § 22(5) (Supp. 1965)

—raises payments for temporary total disability and permanent disability to \$40 per week.

*Payments*—85 Okla. Stat. § 22(7) (Supp. 1965)

—establishes a conclusive presumption that death five years or more after an accident was not the result of that accident.

—provides that if there are no dependents to receive death benefits the employer shall pay \$700 into the estate of the deceased.

*Archie L. Robbins*  
*Legislative Editor*

