

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 979

By: Howard and Bullard of the  
Senate

3  
4 and

5 McEntire of the House  
6  
7

8 An Act relating to abstracting; amending 1 O.S. 2021,  
9 Sections 21, 32, 35, 36, 41, and 43, which relate to  
10 the Oklahoma Abstractors Act; modifying definitions;  
11 providing exception for determination of certain  
12 unnecessary delay; increasing certain civil penalty;  
13 requiring notice to Oklahoma Abstractors Board for  
14 certain noncompliance; requiring response to notice  
15 within specified time period; defining term;  
16 increasing certain civil penalty; modifying  
17 definition; prohibiting reliance on county index for  
18 preparation of abstract of title; clarifying civil  
19 penalty for certain violation; increasing certain  
20 civil penalty; requiring release of certain abstract  
21 or insurance policy upon written request; increasing  
22 certain civil penalty; updating statutory language;  
23 updating statutory reference; and providing an  
24 effective date.

22 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
23 and insert:  
24

1 "An Act relating to abstracting; amending 1 O.S.  
2 2021, Sections 21, 32, 35, 36, 41, and 43, which  
3 relate to the Oklahoma Abstractors Act; modifying  
4 definitions; providing exception for determination of  
5 certain unnecessary delay; increasing certain civil  
6 penalty; requiring notice to Oklahoma Abstractors  
7 Board for certain noncompliance; requiring response  
8 to notice within specified time period; defining  
9 term; increasing certain civil penalty; modifying  
10 definition; prohibiting reliance on county index for  
11 preparation of abstract of title; clarifying civil  
12 penalty for certain violation; increasing certain  
13 civil penalty; requiring release of certain abstract  
14 or insurance policy upon written request; increasing  
15 certain civil penalty; updating statutory language;  
16 and updating statutory reference.

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

SECTION 1. AMENDATORY 1 O.S. 2021, Section 21, is  
amended to read as follows:

Section 21. As used in the Oklahoma Abstractors Act:

1. "Abstract of title" ~~is~~ means a compilation in orderly  
arrangement of the materials and facts of record, in the office of  
the county clerk and court clerk, affecting the title to a specific  
tract of land issued pursuant to a certificate certifying to the  
matters therein contained;

2. "Abstract plant" ~~shall consist of~~ means a set of records in  
which an entry has been made of all documents or matters which  
legally impart constructive notice of matters affecting title to  
real property, any interest therein or encumbrances thereon, which

1 are filed, recorded and currently available for reproduction in the  
2 offices of the county clerk and the court clerk in the county for  
3 which such abstract plant is maintained. Such records shall consist  
4 of:

5 a. an index in which notations of or references to any  
6 documents that describe the property affected are  
7 included, according to the property described or in  
8 which copies or briefs of all such documents that  
9 describe the property affected are sorted and filed  
10 according to the property described, which is compiled  
11 from the instruments of record affecting real property  
12 in the county offices and not copied or reproduced  
13 from any county index, and

14 b. an index or files in which all other documents,  
15 pending suits affecting real property and liens,  
16 except ad valorem taxes and special assessments, are  
17 posted, entered, or otherwise included, according to  
18 the name of the parties whose title to real property  
19 or any interest therein or encumbrances thereon is  
20 affected, which is compiled from the instruments of  
21 record affecting real property in the county offices  
22 and not copied from any county index;

23 3. "Abstract license" ~~is~~ means the authorization for a person  
24 working for a holder of a certificate of authority to search and

1 remove from county offices county records, summarize or compile  
2 copies of such records, and issue the abstract of title;

3 4. "Act" or "Oklahoma Abstractors Law" means the Oklahoma  
4 Abstractors Act;

5 5. "Board" means the Oklahoma Abstractors Board;

6 6. "Certificate of authority" ~~is~~ means the authorization to  
7 engage in the business of abstracting in a county in this state,  
8 granted to a person, firm, corporation, or other entity, by the  
9 Oklahoma Abstractors Board;

10 7. "Permit" ~~is~~ means the authorization to build an abstract  
11 plant in a specific county; and

12 8. ~~"State Auditor and Inspector", for the purposes of the~~  
13 ~~Oklahoma Abstractors Act, means the Oklahoma Abstractors Board; and~~

14 ~~9.~~ "Authorized agent" or "representative" of a current owner or  
15 insured means a real estate broker, real estate agent, lender,  
16 attorney, title insurer, title insurance agent, escrow agent, or  
17 other duly appointed agent of the current owner or insured under a  
18 policy of title insurance authorized to act on behalf of such  
19 current owner or insured in a current transaction.

20 SECTION 2. AMENDATORY 1 O.S. 2021, Section 32, is  
21 amended to read as follows:

22 Section 32. A. All abstractors shall furnish abstracts,  
23 abstract extensions, supplemental abstracts or final title reports  
24 as desired, to the persons applying therefor, in the order of

1 receipt of a valid order therefor, without unnecessary delay, and  
2 for reasonable compensation pursuant to the requirements of the  
3 Oklahoma Abstractors Act. A valid order is a written order from the  
4 person applying for the order who is a party to the transaction  
5 containing the following elements:

6 1. A complete and accurate legal description or a complete and  
7 accurate address, as applicable;

8 2. The availability of any necessary base abstract; and

9 3. An up-front commitment to pay for the order either upon  
10 delivery or other payment conditions agreed to by the parties to the  
11 transaction or a stated cancellation fee amount.

12 B. Failure of an abstractor to furnish an abstract, abstract  
13 extension, supplemental abstract or final title report within the  
14 following time periods shall constitute unnecessary delay, unless  
15 the Board has previously determined the existence of extenuating  
16 circumstances:

17 1. For furnishing new abstracts:

18 a. unplatted: twenty (20) business days, and

19 b. platted: fifteen (15) business days; and

20 2. For furnishing an abstract extension, supplemental abstract  
21 or final title report:

22 a. unplatted: seventeen (17) business days, and

23 b. platted: twelve (12) business days.

24

1 C. All licensed abstractors and certificate of authority  
2 holders, whose business is hereby declared to stand upon a like  
3 footing with that of common carriers, who shall refuse to do so,  
4 upon receipt of a valid order for the abstract, abstract extension,  
5 supplemental abstract or final title report, shall be subject to the  
6 following:

7 1. A civil penalty of not less than ~~One Hundred Dollars~~  
8 ~~(\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~One Thousand~~  
9 ~~Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) for each  
10 occurrence;

11 2. Liability in any action for damages, loss or injury which  
12 any person may suffer or incur by reason of failure to furnish such  
13 abstract, abstract extension, supplemental abstract or final title  
14 report pursuant to the provisions of this section. This penalty may  
15 be enforced in the same manner in which civil judgments may be  
16 enforced; and

17 3. Any administrative penalties and fines enforced by the  
18 Oklahoma Abstractors Board.

19 D. The provisions of this section shall not apply to orders for  
20 abstracts on oil, gas, and other minerals.

21 E. In the event a holder of a certificate of authority is  
22 unable to comply with the requirements of this section due to  
23 extenuating circumstances, the holder of the certificate shall  
24 notify the Board within five (5) business days of the receipt of

1 orders that cannot be furnished within the time specified in this  
2 section. The Board shall respond to the holder within three (3)  
3 business days to resolve the delay and establish alternatives for  
4 the timely delivery of abstracts.

5 F. For the purposes of this section, "extenuating  
6 circumstances" include but are not limited to a catastrophic event  
7 such as fire, tornado, pandemic, death, or the receipt of a large  
8 multiple tract order such as an energy related project.

9 SECTION 3. AMENDATORY 1 O.S. 2021, Section 35, is  
10 amended to read as follows:

11 Section 35. A. The Oklahoma Abstractors Board shall censure,  
12 suspend, revoke, continue, renew, or refuse to issue any certificate  
13 of authority or permit issued or applied for pursuant to the  
14 provisions of the Oklahoma Abstractors Act, if, after a hearing, the  
15 Board finds any one or more of the following conditions:

16 1. Any untrue statement in the application for a certificate of  
17 authority or permit;

18 2. The violation of or noncompliance with any provision of the  
19 Oklahoma Abstractors Act or rule, regulation, or order of the Board;

20 3. The obtaining of or attempt to obtain a certificate of  
21 authority or permit through fraud or misrepresentation;

22 4. Conviction of or plea of guilty or nolo contendere to a  
23 felony in this state, another state, or a federal court or of a  
24 misdemeanor involving moral turpitude;

1 5. Conspiracy involving the certificate holder or the  
2 certificate holder's agents to obtain an abstract license for an  
3 employee, prospective employee, or other person through fraud or  
4 misrepresentation;

5 6. Failure to properly supervise an abstract licensee whose  
6 license is issued through the certificate holder; or

7 7. Failure to provide an abstract, abstract extension,  
8 supplemental abstract or final title report pursuant to the  
9 requirements of Section 32 of ~~Title 1 of the Oklahoma Statutes~~ this  
10 title.

11 B. In addition to or in lieu of any censure, denial,  
12 suspension, or revocation of a certificate or permit, any person,  
13 firm, corporation, or other entity violating the provisions of the  
14 Oklahoma Abstractors Act shall be subject to a civil penalty ~~of~~ not  
15 less than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars  
16 (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00) for each  
17 occurrence. The fine may be enforced in the same manner in which  
18 civil judgments may be enforced.

19 SECTION 4. AMENDATORY 1 O.S. 2021, Section 36, is  
20 amended to read as follows:

21 Section 36. A. Any person, firm, corporation, or other entity  
22 holding a valid abstract license or permit, or any abstract licensee  
23 affiliated with such person, firm, corporation, or other entity,  
24 shall:



1           1. Have free access to the instruments of record affecting real  
2 property filed in any city, county, or state office;

3           2. Be permitted to make such memoranda, notations, or copies of  
4 such instruments of record;

5           3. Occupy reasonable space with equipment for that purpose  
6 during the business hours of such office;

7           4. Make and prepare abstracts; and

8           5. Compile, post, copy, and maintain his or her books, records,  
9 and indexes.

10          B. The records in any city, county, or state office shall not  
11 be taken from the office to which they belong, for any reason,  
12 except that records may be taken from the office of the district  
13 court clerk by an abstractor who is doing business within that  
14 county and has an approved bond on file with the county clerk for a  
15 period of time not to exceed twenty-four (24) hours after first  
16 giving proper receipt to the appropriate clerk or deputy.

17          C. An abstractor shall have the right of access to any  
18 instrument filed of record in a county office, not later than the  
19 close of business of the first business day following the day of  
20 filing. There shall be no fee charged for providing access to the  
21 instrument.

22          D. For purposes of this section, "access" means possession of  
23 said instrument to mechanically or electronically reproduce it,  
24 either in the office or out of the office of filing, at the

1 discretion of the county officer having custody of the instrument,  
2 which reproduction shall be completed not later than the close of  
3 business of the first business day following the day of receipt of  
4 the document. Provided if the abstractor fails to return the files  
5 within the twenty-four-hour period, the county officer in his or her  
6 discretion may refuse to allow the abstractor to remove said files  
7 at a later date. Any county officer making such refusal shall send  
8 written notice of such action to the Oklahoma Abstractors Board.

9 E. Access to instruments of record shall be for immediate and  
10 lawful abstracting purposes only. The sale of the instruments of  
11 record for profit to the public either on the ~~internet~~ Internet or  
12 any other such forum by any company holding a permit to build an  
13 abstract plant is prohibited, and a violation of this subsection  
14 shall be considered a violation of the Oklahoma Abstractors Law.

15 F. All certificates of authority or permit holders and abstract  
16 licensees shall be subject to the same obligation to protect and  
17 preserve the public records to which they have access as do the  
18 public officers who have legal custody of such records. Holders of  
19 certificates of authority or permits and abstract licensees shall be  
20 subject to the same penalties for a violation of such duty as said  
21 officers.

22 G. Reliance solely on the county indexes in the preparation of  
23 an abstract of title shall be prohibited and subject to the  
24 penalties established in subsection B of Section 35 of this title

1 and shall not be a defense of liability for an error or omission in  
2 an abstract of title.

3 SECTION 5. AMENDATORY 1 O.S. 2021, Section 41, is  
4 amended to read as follows:

5 Section 41. A. It shall be unlawful for any abstractor as an  
6 inducement to obtaining any business to pay, rebate, or deduct any  
7 portion of or to permit any deduction from a charge made for making,  
8 extending, or certifying an abstract of title, to:

9 1. Any owner, mortgagee, or lessee of the real property covered  
10 by the abstract of title, or of any right, title, or interest in or  
11 lien upon the same;

12 2. Any principal, broker, agent, or attorney in connection with  
13 a sale or lease of real property or the making or obtaining of a  
14 loan thereon in which an abstract of title is required, used, or  
15 furnished; and

16 3. Any spouse, child, employee, ward, officer, director,  
17 subsidiary, affiliate, parent, relative within the fifth degree,  
18 personal representative, or partner of any person, firm, or  
19 corporation included in this section.

20 B. All charges for abstracts, abstract extensions, supplemental  
21 abstracts or final title reports shall be separately stated and  
22 shall not be combined with title insurance, closing fees, or  
23 examination charges, shall be uniform for all abstracts, abstract  
24 extensions, supplemental abstracts or final title reports of

1 whatsoever kind or nature, whether the abstract, abstract extension,  
2 supplemental abstract or final title report is prepared for use by  
3 the abstractor or for others purchasing abstracts, abstract  
4 extensions, supplemental abstracts or final title reports from the  
5 abstractor; and any other charge therefor shall be unlawful.

6 C. The list of abstracting fees required to be attached to an  
7 application for certificate of authority, an application to renew a  
8 certificate of authority and an application to transfer a  
9 certificate of authority pursuant to the provisions of Section  
10 ~~227.18~~ 30 of this title shall include all fees the applicant intends  
11 to charge for abstracts, abstract extensions, supplemental abstracts  
12 or final title reports. The Oklahoma Abstractors Board shall notify  
13 the applicant in writing of any action taken with regard to the  
14 requested fees within sixty (60) days of submission. If no notice  
15 is provided regarding the submitted fees, they will be deemed to  
16 become effective on the sixty-first day following the day the  
17 application was submitted to the Board. The fees shall also be  
18 subject to the following:

19 1. No fee shall be charged that is not on the approved list;

20 2. The holder of the certificate of authority may submit an  
21 amended list of fees once a year requesting approval for changes to  
22 the currently approved fees; and

23 3. The amended list of fees must be approved before becoming  
24 effective. The Board may disapprove a list of fees or an amended

1 list of fees if the fees are determined to be excessive or are used  
2 as an unlawful inducement. In determining whether a fee is  
3 excessive, the Board may consider any or all of the following:

- 4 a. the change from any prior rate for the same abstract,  
5 abstract extension, supplemental abstract or final  
6 title report,
- 7 b. the fee charged by other holders of certificates of  
8 authority within the same county, in adjacent  
9 counties, and in counties with similar  
10 characteristics,
- 11 c. the amount of work performed,
- 12 d. the time required to perform the work,
- 13 e. the amount of financial risk involved to the holder of  
14 the certificate of authority,
- 15 f. the cost of providing the abstract, abstract  
16 extension, supplemental abstract or final title  
17 report,
- 18 g. the availability of competition,
- 19 h. the average cost for such services across the state,  
20 and
- 21 i. any other relevant factor applicable to a particular  
22 set of circumstances presented for approval.

23 D. In addition to any other penalty, any person, firm,  
24 corporation, or other entity violating the provisions of this

1 section shall be subject to a civil penalty ~~of~~ not less than ~~One~~  
2 ~~Hundred Dollars (\$100.00)~~ and not Two Hundred Fifty Dollars  
3 (\$250.00) nor more than ~~One Thousand Dollars (\$1,000.00)~~ Ten  
4 Thousand Dollars (\$10,000.00) for each occurrence. The fine may be  
5 enforced in the same manner in which civil judgments may be  
6 enforced.

7 SECTION 6. AMENDATORY 1 O.S. 2021, Section 43, is  
8 amended to read as follows:

9 Section 43. A purchaser of real property shall have the  
10 opportunity to retain possession of the abstract for the property  
11 being purchased. The purchaser shall be notified about the option  
12 to retain possession at the scheduled closing; however, if a  
13 contractual obligation to a mortgage company requires retention of  
14 the abstract by that mortgage company, then the purchaser shall have  
15 an opportunity to take possession of the abstract upon complete  
16 performance of the contractual obligations. If a duly licensed  
17 abstract company is holding or storing ~~the~~ any base or supplemental  
18 abstract or abstracts or a previously issued owner's policy of title  
19 insurance, upon written request from the owner or the authorized  
20 agent of the owner, pursuant to a current transaction, the licensed  
21 abstractor shall release the abstract ~~without unnecessary delay or~~  
22 abstracts within three (3) business days of receipt of the written  
23 request or, in the case of a title insurance policy, shall release  
24 the owner's policy pursuant to subsection D of Section 5001 of Title

1 36 of the Oklahoma Statutes. All licensed abstractors and  
2 certificate of authority holders who refuse to do so shall be  
3 subject to the following:

4 1. A civil penalty to the requesting party ~~of~~ not less than ~~One~~  
5 ~~Hundred Dollars (\$100.00) and not~~ Two Hundred Fifty Dollars  
6 (\$250.00) nor more than ~~One Thousand Dollars (\$1,000.00)~~ Two  
7 Thousand Dollars (\$2,000.00) for each occurrence;

8 2. Liability in any action for damages, loss or injury suffered  
9 or incurred by any person by reason of failure to deliver the  
10 abstract pursuant to the provisions of this section. Any civil  
11 judgment rendered pursuant to this paragraph may be enforced in the  
12 same manner in which other civil judgments may be enforced; and

13 3. Any administrative penalties and fines enforced by the  
14 Oklahoma Abstractors Board."

15 Passed the House of Representatives the 25th day of April, 2024.

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18 \_\_\_\_\_  
19 Presiding Officer of the House of  
Representatives

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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23 \_\_\_\_\_  
24 Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 979

By: Howard and Bullard of the  
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3 and

4 McEntire of the House  
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7 An Act relating to abstracting; amending 1 O.S. 2021,  
8 Sections 21, 32, 35, 36, 41, and 43, which relate to  
9 the Oklahoma Abstractors Act; modifying definitions;  
10 providing exception for determination of certain  
11 unnecessary delay; increasing certain civil penalty;  
12 requiring notice to Oklahoma Abstractors Board for  
13 certain noncompliance; requiring response to notice  
14 within specified time period; defining term;  
15 increasing certain civil penalty; modifying  
16 definition; prohibiting reliance on county index for  
17 preparation of abstract of title; clarifying civil  
18 penalty for certain violation; increasing certain  
19 civil penalty; requiring release of certain abstract  
20 or insurance policy upon written request; increasing  
21 certain civil penalty; updating statutory language;  
22 updating statutory reference; and providing an  
23 effective date.

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

19 SECTION 7. AMENDATORY 1 O.S. 2021, Section 21, is  
20 amended to read as follows:

21 Section 21. As used in the Oklahoma Abstractors Act:

22 1. "Abstract of title" ~~is~~ means a compilation in orderly  
23 arrangement of the materials and facts of record, in the office of  
24 the county clerk and court clerk, affecting the title to a specific



1 tract of land issued pursuant to a certificate certifying to the  
2 matters therein contained;

3 2. "Abstract plant" ~~shall consist of~~ means a set of records in  
4 which an entry has been made of all documents or matters which  
5 legally impart constructive notice of matters affecting title to  
6 real property, any interest therein or encumbrances thereon, which  
7 are filed, recorded and currently available for reproduction in the  
8 offices of the county clerk and the court clerk in the county for  
9 which such abstract plant is maintained. Such records shall consist  
10 of:

11 a. an index in which notations of or references to any  
12 documents that describe the property affected are  
13 included, according to the property described or in  
14 which copies or briefs of all such documents that  
15 describe the property affected are sorted and filed  
16 according to the property described, which is compiled  
17 from the instruments of record affecting real property  
18 in the county offices and not copied or reproduced  
19 from any county index, and

20 b. an index or files in which all other documents,  
21 pending suits affecting real property and liens,  
22 except ad valorem taxes and special assessments, are  
23 posted, entered, or otherwise included, according to  
24 the name of the parties whose title to real property

1 or any interest therein or encumbrances thereon is  
2 affected, which is compiled from the instruments of  
3 record affecting real property in the county offices  
4 and not copied from any county index;

5 3. "Abstract license" ~~is~~ means the authorization for a person  
6 working for a holder of a certificate of authority to search and  
7 remove from county offices county records, summarize or compile  
8 copies of such records, and issue the abstract of title;

9 4. "Act" or "Oklahoma Abstractors Law" means the Oklahoma  
10 Abstractors Act;

11 5. "Board" means the Oklahoma Abstractors Board;

12 6. "Certificate of authority" ~~is~~ means the authorization to  
13 engage in the business of abstracting in a county in this state,  
14 granted to a person, firm, corporation, or other entity, by the  
15 Oklahoma Abstractors Board;

16 7. "Permit" ~~is~~ means the authorization to build an abstract  
17 plant in a specific county; and

18 8. ~~"State Auditor and Inspector", for the purposes of the~~  
19 ~~Oklahoma Abstractors Act, means the Oklahoma Abstractors Board; and~~

20 9. "Authorized agent" or "representative" of a current owner or  
21 insured means a real estate broker, real estate agent, lender,  
22 attorney, title insurer, title insurance agent, escrow agent, or  
23 other duly appointed agent of the current owner or insured under a  
24

1 policy of title insurance authorized to act on behalf of such  
2 current owner or insured in a current transaction.

3 SECTION 8. AMENDATORY 1 O.S. 2021, Section 32, is  
4 amended to read as follows:

5 Section 32. A. All abstractors shall furnish abstracts,  
6 abstract extensions, supplemental abstracts or final title reports  
7 as desired, to the persons applying therefor, in the order of  
8 receipt of a valid order therefor, without unnecessary delay, and  
9 for reasonable compensation pursuant to the requirements of the  
10 Oklahoma Abstractors Act. A valid order is a written order from the  
11 person applying for the order who is a party to the transaction  
12 containing the following elements:

- 13 1. A complete and accurate legal description or a complete and  
14 accurate address, as applicable;
- 15 2. The availability of any necessary base abstract; and
- 16 3. An up-front commitment to pay for the order either upon  
17 delivery or other payment conditions agreed to by the parties to the  
18 transaction or a stated cancellation fee amount.

19 B. Failure of an abstractor to furnish an abstract, abstract  
20 extension, supplemental abstract or final title report within the  
21 following time periods shall constitute unnecessary delay, unless  
22 the Board has previously determined the existence of extenuating  
23 circumstances:

- 24 1. For furnishing new abstracts:

1 a. unplatted: twenty (20) business days, and

2 b. platted: fifteen (15) business days; and

3 2. For furnishing an abstract extension, supplemental abstract  
4 or final title report:

5 a. unplatted: seventeen (17) business days, and

6 b. platted: twelve (12) business days.

7 C. All licensed abstractors and certificate of authority  
8 holders, whose business is hereby declared to stand upon a like  
9 footing with that of common carriers, who shall refuse to do so,  
10 upon receipt of a valid order for the abstract, abstract extension,  
11 supplemental abstract or final title report, shall be subject to the  
12 following:

13 1. A civil penalty ~~of~~ not less than ~~One Hundred Dollars~~  
14 ~~(\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than ~~One Thousand~~  
15 ~~Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) for each  
16 occurrence;

17 2. Liability in any action for damages, loss or injury which  
18 any person may suffer or incur by reason of failure to furnish such  
19 abstract, abstract extension, supplemental abstract or final title  
20 report pursuant to the provisions of this section. This penalty may  
21 be enforced in the same manner in which civil judgments may be  
22 enforced; and

23 3. Any administrative penalties and fines enforced by the  
24 Oklahoma Abstractors Board.

1 D. The provisions of this section shall not apply to orders for  
2 abstracts on oil, gas, and other minerals.

3 E. In the event a holder of a certificate of authority is  
4 unable to comply with the requirements of this section due to  
5 extenuating circumstances, the holder of the certificate shall  
6 notify the Board within five (5) business days of the receipt of  
7 orders that cannot be furnished within the time specified in this  
8 section. The Board shall respond to the holder within three (3)  
9 business days to resolve the delay and establish alternatives for  
10 the timely delivery of abstracts.

11 F. For the purposes of this section, "extenuating  
12 circumstances" include but are not limited to a catastrophic event  
13 such as fire, tornado, pandemic, death, or the receipt of a large  
14 multiple tract order such as an energy related project.

15 SECTION 9. AMENDATORY 1 O.S. 2021, Section 35, is  
16 amended to read as follows:

17 Section 35. A. The Oklahoma Abstractors Board shall censure,  
18 suspend, revoke, continue, renew, or refuse to issue any certificate  
19 of authority or permit issued or applied for pursuant to the  
20 provisions of the Oklahoma Abstractors Act, if, after a hearing, the  
21 Board finds any one or more of the following conditions:

22 1. Any untrue statement in the application for a certificate of  
23 authority or permit;

1           2. The violation of or noncompliance with any provision of the  
2 Oklahoma Abstractors Act or rule, regulation, or order of the Board;

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4 authority or permit through fraud or misrepresentation;

5           4. Conviction of or plea of guilty or nolo contendere to a  
6 felony in this state, another state, or a federal court or of a  
7 misdemeanor involving moral turpitude;

8           5. Conspiracy involving the certificate holder or the  
9 certificate holder's agents to obtain an abstract license for an  
10 employee, prospective employee, or other person through fraud or  
11 misrepresentation;

12           6. Failure to properly supervise an abstract licensee whose  
13 license is issued through the certificate holder; or

14           7. Failure to provide an abstract, abstract extension,  
15 supplemental abstract or final title report pursuant to the  
16 requirements of Section 32 of ~~Title 1 of the Oklahoma Statutes~~ this  
17 title.

18           B. In addition to or in lieu of any censure, denial,  
19 suspension, or revocation of a certificate or permit, any person,  
20 firm, corporation, or other entity violating the provisions of the  
21 Oklahoma Abstractors Act shall be subject to a civil penalty ~~of~~ not  
22 less than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars  
23 (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00) for each  
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1 occurrence. The fine may be enforced in the same manner in which  
2 civil judgments may be enforced.

3 SECTION 10. AMENDATORY 1 O.S. 2021, Section 36, is  
4 amended to read as follows:

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6 holding a valid abstract license or permit, or any abstract licensee  
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8 shall:

9 1. Have free access to the instruments of record affecting real  
10 property filed in any city, county, or state office;

11 2. Be permitted to make such memoranda, notations, or copies of  
12 such instruments of record;

13 3. Occupy reasonable space with equipment for that purpose  
14 during the business hours of such office;

15 4. Make and prepare abstracts; and

16 5. Compile, post, copy, and maintain his or her books, records,  
17 and indexes.

18 B. The records in any city, county, or state office shall not  
19 be taken from the office to which they belong, for any reason,  
20 except that records may be taken from the office of the district  
21 court clerk by an abstractor who is doing business within that  
22 county and has an approved bond on file with the county clerk for a  
23 period of time not to exceed twenty-four (24) hours after first  
24 giving proper receipt to the appropriate clerk or deputy.

1 C. An abstractor shall have the right of access to any  
2 instrument filed of record in a county office, not later than the  
3 close of business of the first business day following the day of  
4 filing. There shall be no fee charged for providing access to the  
5 instrument.

6 D. For purposes of this section, "access" means possession of  
7 said instrument to mechanically or electronically reproduce it,  
8 either in the office or out of the office of filing, at the  
9 discretion of the county officer having custody of the instrument,  
10 which reproduction shall be completed not later than the close of  
11 business of the first business day following the day of receipt of  
12 the document. Provided if the abstractor fails to return the files  
13 within the twenty-four-hour period, the county officer in his or her  
14 discretion may refuse to allow the abstractor to remove said files  
15 at a later date. Any county officer making such refusal shall send  
16 written notice of such action to the Oklahoma Abstractors Board.

17 E. Access to instruments of record shall be for immediate and  
18 lawful abstracting purposes only. The sale of the instruments of  
19 record for profit to the public either on the internet or any other  
20 such forum by any company holding a permit to build an abstract  
21 plant is prohibited, and a violation of this subsection shall be  
22 considered a violation of the Oklahoma Abstractors Law.

23 F. All certificates of authority or permit holders and abstract  
24 licensees shall be subject to the same obligation to protect and



1 preserve the public records to which they have access as do the  
2 public officers who have legal custody of such records. Holders of  
3 certificates of authority or permits and abstract licensees shall be  
4 subject to the same penalties for a violation of such duty as said  
5 officers.

6 G. Reliance on the county indexes in the preparation of an  
7 abstract of title shall be prohibited and subject to the penalties  
8 established in subsection B of Section 35 of this title and shall  
9 not be a defense of liability for an error or omission in an  
10 abstract of title.

11 SECTION 11. AMENDATORY 1 O.S. 2021, Section 41, is  
12 amended to read as follows:

13 Section 41. A. It shall be unlawful for any abstractor as an  
14 inducement to obtaining any business to pay, rebate, or deduct any  
15 portion of or to permit any deduction from a charge made for making,  
16 extending, or certifying an abstract of title, to:

17 1. Any owner, mortgagee, or lessee of the real property covered  
18 by the abstract of title, or of any right, title, or interest in or  
19 lien upon the same;

20 2. Any principal, broker, agent, or attorney in connection with  
21 a sale or lease of real property or the making or obtaining of a  
22 loan thereon in which an abstract of title is required, used, or  
23 furnished; and  
24

1       3. Any spouse, child, employee, ward, officer, director,  
2 subsidiary, affiliate, parent, relative within the fifth degree,  
3 personal representative, or partner of any person, firm, or  
4 corporation included in this section.

5       B. All charges for abstracts, abstract extensions, supplemental  
6 abstracts or final title reports shall be separately stated and  
7 shall not be combined with title insurance, closing fees, or  
8 examination charges, shall be uniform for all abstracts, abstract  
9 extensions, supplemental abstracts or final title reports of  
10 whatsoever kind or nature, whether the abstract, abstract extension,  
11 supplemental abstract or final title report is prepared for use by  
12 the abstractor or for others purchasing abstracts, abstract  
13 extensions, supplemental abstracts or final title reports from the  
14 abstractor; and any other charge therefor shall be unlawful.

15       C. The list of abstracting fees required to be attached to an  
16 application for certificate of authority, an application to renew a  
17 certificate of authority and an application to transfer a  
18 certificate of authority pursuant to the provisions of Section  
19 ~~227.18~~ 30 of this title shall include all fees the applicant intends  
20 to charge for abstracts, abstract extensions, supplemental abstracts  
21 or final title reports. The Oklahoma Abstractors Board shall notify  
22 the applicant in writing of any action taken with regard to the  
23 requested fees within sixty (60) days of submission. If no notice  
24 is provided regarding the submitted fees, they will be deemed to

1 become effective on the sixty-first day following the day the  
2 application was submitted to the Board. The fees shall also be  
3 subject to the following:

4 1. No fee shall be charged that is not on the approved list;

5 2. The holder of the certificate of authority may submit an  
6 amended list of fees once a year requesting approval for changes to  
7 the currently approved fees; and

8 3. The amended list of fees must be approved before becoming  
9 effective. The Board may disapprove a list of fees or an amended  
10 list of fees if the fees are determined to be excessive or are used  
11 as an unlawful inducement. In determining whether a fee is  
12 excessive, the Board may consider any or all of the following:

13 a. the change from any prior rate for the same abstract,  
14 abstract extension, supplemental abstract or final  
15 title report,

16 b. the fee charged by other holders of certificates of  
17 authority within the same county, in adjacent  
18 counties, and in counties with similar  
19 characteristics,

20 c. the amount of work performed,

21 d. the time required to perform the work,

22 e. the amount of financial risk involved to the holder of  
23 the certificate of authority,

24

- 1 f. the cost of providing the abstract, abstract  
2 extension, supplemental abstract or final title  
3 report,  
4 g. the availability of competition,  
5 h. the average cost for such services across the state,  
6 and  
7 i. any other relevant factor applicable to a particular  
8 set of circumstances presented for approval.

9 D. In addition to any other penalty any person, firm,  
10 corporation, or other entity violating the provisions of this  
11 section shall be subject to a civil penalty ~~of~~ not less than ~~One~~  
12 ~~Hundred Dollars (\$100.00) and not~~ Two Hundred Fifty Dollars  
13 (\$250.00) nor more than ~~One Thousand Dollars (\$1,000.00)~~ Ten  
14 Thousand Dollars (\$10,000.00) for each occurrence. The fine may be  
15 enforced in the same manner in which civil judgments may be  
16 enforced.

17 SECTION 12. AMENDATORY 1 O.S. 2021, Section 43, is  
18 amended to read as follows:

19 Section 43. A purchaser of real property shall have the  
20 opportunity to retain possession of the abstract for the property  
21 being purchased. The purchaser shall be notified about the option  
22 to retain possession at the scheduled closing; however, if a  
23 contractual obligation to a mortgage company requires retention of  
24 the abstract by that mortgage company, then the purchaser shall have

1 an opportunity to take possession of the abstract upon complete  
2 performance of the contractual obligations. If a duly licensed  
3 abstract company is holding or storing ~~the~~ any base or supplemental  
4 abstract or abstracts or a previously issued owner's policy of title  
5 insurance, upon written request from the owner or the authorized  
6 agent of the owner, pursuant to a current transaction, the licensed  
7 abstractor shall release the abstract ~~without unnecessary delay or~~  
8 abstracts within three (3) business days of receipt of the written  
9 request, or in the case of a title insurance policy, shall release  
10 the owner's policy pursuant to subsection D of Section 5001 of Title  
11 36 of the Oklahoma Statutes. All licensed abstractors and  
12 certificate of authority holders who refuse to do so shall be  
13 subject to the following:

14 1. A civil penalty to the requesting party ~~of~~ not less than ~~One~~  
15 ~~Hundred Dollars (\$100.00) and not~~ Two Hundred Fifty Dollars  
16 (\$250.00) nor more than ~~One Thousand Dollars (\$1,000.00)~~ Two  
17 Thousand Dollars (\$2,000.00) for each occurrence;

18 2. Liability in any action for damages, loss or injury suffered  
19 or incurred by any person by reason of failure to deliver the  
20 abstract pursuant to the provisions of this section. Any civil  
21 judgment rendered pursuant to this paragraph may be enforced in the  
22 same manner in which other civil judgments may be enforced; and

23 3. Any administrative penalties and fines enforced by the  
24 Oklahoma Abstractors Board.

