

1 ENGROSSED SENATE
2 BILL NO. 78

By: Newhouse of the Senate

3 and

4 Ford of the House

5
6 An Act relating to county clerks; amending 19 O.S.
7 2021, Section 245, which relates to duties as to
8 audited accounts; permitting certified copies to be
9 made in accordance with the Uniform Real Property
10 Electronic Recording Act; allowing fee to be charged
11 for certified records in accordance with certain fee
12 schedule; amending 19 O.S. 2021, Section 285, which
13 relates to register of deeds; allowing exception in
14 accordance with the Uniform Real Property Electronic
15 Recording Act; making language gender neutral; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 19 O.S. 2021, Section 245, is
19 amended to read as follows:

20 Section 245. A. It shall be the duty of the county clerk to
21 designate upon every account, which shall be audited and allowed by
22 the board, the amount so allowed, and the clerk shall deliver to any
23 person a copy certified or otherwise of any record in the clerk's
24 office and any account on file thereon, upon receiving the fee
allowed pursuant to the Oklahoma Open Records Act or the county
clerk fee schedule, Section 32 of Title 28 of the Oklahoma Statutes,
for every page contained in the copy. Upon demand, the clerk shall

1 furnish a certified copy in the form as it exists and at the
2 preference of the requestor as provided by the Oklahoma Open Records
3 Act or the county clerk fee schedule. Certified copies may be
4 provided in paper or digital format in accordance with the Uniform
5 Real Property Electronic Recording Act.

6 B. If the clerk provides records in an electronic format, the
7 clerk may charge a reasonable fee for providing such records. For
8 purposes of this section, "reasonable fee" shall mean the fee
9 charged by the clerk shall not exceed twenty-five cents (\$0.25) per
10 image or fifteen cents (\$0.15) per image for providing more than
11 three thousand five hundred (3,500) images in an electronic format.
12 If the clerk provides certified records, the clerk may charge a fee
13 for the certification in accordance with the current fee schedule
14 found in subsection A of Section 32 of Title 28 of the Oklahoma
15 Statutes. All recording devices for providing records in an
16 electronic format shall be supplied by the county clerk. News media
17 obtaining records in an electronic format for a news purpose and
18 licensed abstractors performing their duties pursuant to state law
19 shall be exempt from the fees provided for in this subsection.
20 Nothing in this section shall be construed to allow county clerks to
21 provide all or part of a tract index for use in any commercial
22 purpose.

23 SECTION 2. AMENDATORY 19 O.S. 2021, Section 285, is
24 amended to read as follows:

1 Section 285. The register of deeds shall keep a seal, to be
2 furnished by the county, which seal shall contain the name of the
3 county, the words "Oklahoma" and "~~Register of Deeds.~~" He "Register
4 of Deeds". Except as provided in the Uniform Real Property
5 Electronic Recording Act, he or she shall attach such seal to all
6 instruments filed or recorded in his or her office, together with
7 his or her signature and certificate to all certified copies of any
8 instrument on file or of record in his or her office, which he or
9 she is required to issue.

10 SECTION 3. This act shall become effective November 1, 2023.

11 Passed the Senate the 23rd day of February, 2023.

12

13

Presiding Officer of the Senate

14

15 Passed the House of Representatives the ____ day of _____,
16 2023.

17

18

Presiding Officer of the House
of Representatives

19

20

21

22

23

24