

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 78

 By: Newhouse of the Senate

 and

 Ford of the House

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

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

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

 Section 245. A. It shall be the duty of the county clerk to
designate upon every account, which shall be audited and allowed by
the board, the amount so allowed, and the clerk shall deliver to any
person a copy certified or otherwise of any record in the clerk's
office and any account on file thereon, upon receiving the fee

1 allowed pursuant to the Oklahoma Open Records Act or the county
2 clerk fee schedule, Section 32 of Title 28 of the Oklahoma Statutes,
3 for every page contained in the copy. Upon demand, the clerk shall
4 furnish a certified copy in the form as it exists and at the
5 preference of the requestor as provided by the Oklahoma Open Records
6 Act or the county clerk fee schedule. Certified copies may be
7 provided in paper or digital format in accordance with the Uniform
8 Real Property Electronic Recording Act.

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

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

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

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

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16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
17 04/10/2023 - DO PASS.

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