

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

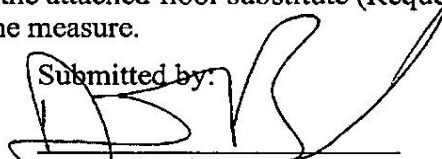
No. 1

COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 961 by substituting the attached floor substitute (Request #1803) for the title, enacting clause, and entire body of the measure.

Submitted by:




Senator Bullard

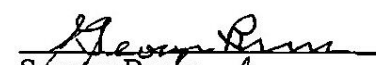
I hereby grant permission for the floor substitute to be adopted.




Senator Hamilton, Chair (required)




Senator Prieto



Senator Burns



Senator Sacchier



Senator Alyord



Senator Stanley



Senator Goodwin



Senator Stewart



Senator Nice

Senator Paxton, President Pro Tempore

Senator Daniels, Majority Floor Leader

Note: Local and County Government committee majority requires five (5) members' signatures.

Bullard-MSBB-FS-SB961
3/11/2025 11:22 AM

(Floor Amendments Only)

Date and Time Filed: 3-11-25 1:56pm gd

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 961

By: Bullard of the Senate

and

Williams of the House

6
7
8
9 FLOOR SUBSTITUTE

10 [county clerks - duty of register of deeds -
11 notification - fee - optional confirmation -
12 liability - effective date]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 19 O.S. 2021, Section 298, as
16 amended by Section 1, Chapter 250, O.S.L. 2024 (19 O.S. Supp. 2024,
17 Section 298), is amended to read as follows:

18 Section 298. A. Every county clerk in this state shall require
19 that the mandates of the Legislature be complied with, as expressed
20 in Sections 287 and 291 of this title, and for that purpose, every
21 instrument offered which may be accepted by the county clerk for
22 recording, affecting specific real property whether of conveyance,
23 encumbrance, assignment, or release of encumbrance, lease,
24 assignment of lease, or release of lease, shall be an original or

1 certified copy of an original instrument and clearly legible in
2 accordance with the provisions of subsection B of this section, and
3 shall by its own terms describe the property by its specific legal
4 description, and provide such information as is necessary for
5 indexing as required in Sections 287 and 291 of this title, and on
6 each such instrument shall be listed the mailing address of the
7 grantee, mortgagee, assignee, or other designated party to which the
8 instrument is to be delivered after recording. If an instrument
9 offered to a county clerk for recording contains more than twenty-
10 five legal descriptions requiring separate entries in the indexes
11 required by Sections 287 and 291 of this title, the descriptions
12 shall be sorted by addition, block, and lot if platted property, or
13 by township, range, and section if described by governmental survey
14 description. Any instrument offered to a county clerk for recording
15 containing more than twenty-five legal descriptions per page,
16 counted as each description which could require a separate line
17 entry in the numerical index, shall be accompanied by an additional
18 filing fee of One Dollar (\$1.00) per legal description in excess of
19 twenty-five legal descriptions per page to be paid to the county
20 clerk. Unless the person offering a nonconforming instrument for
21 filing is willing to reform the instrument to conform to statutory
22 requirements, for which purpose it may be withdrawn and refiled
23 during the same business day, the county clerk may refuse to record
24 the same in the records of deeds, leases, or mortgages or to index

1 the same upon the index records referred to in Section 287 or 291 of
2 this title, or to file or record the same in the office of the
3 county clerk.

4 B. All documents filed of record in the office of the county
5 clerk pursuant to subsection A of this section or pursuant to any
6 other law shall be an original or a certified copy of an original
7 document. Such documents shall be clearly legible, in the English
8 language, using xerographically reproducible dark ink, on paper of a
9 color that is xerographically reproducible by the copying equipment
10 in use by the county clerk. Unless otherwise provided by law, such
11 documents shall measure no larger than eight and one-half (8 1/2)
12 inches by fourteen (14) inches. All documents shall provide an area
13 free of printed information sufficient in size to accommodate
14 affixation of the documentary stamps required by Section ~~3201~~ 3203
15 of Title 68 of the Oklahoma Statutes, any certification of the
16 payment of mortgage taxes required by Section 1901 et seq. of Title
17 68 of the Oklahoma Statutes, and the recording information affixed
18 by the county clerk upon acceptance of a document for recordation.
19 Any part of a signature or any stray markings within the margin
20 shall not void the requirements for accepting and filing any
21 document by any county within the state, provided there remains
22 sufficient space for the affixation of stamps and recording
23 information without covering language contained in the instrument.
24 If an instrument submitted to the county clerk for recording does

1 not contain sufficient space for the affixation of such stamps and
2 recording information without covering language contained in the
3 instrument, the county clerk shall attach an additional page to the
4 document to provide for the affixation of such stamps and recording
5 information. A county clerk shall not charge any additional fee or
6 fine for stray markings within the margin of a document. The top
7 margin of all documents shall be at least two (2) inches and all
8 other margins shall be at least one (1) inch.

9 C. Despite any provision in this section to the contrary, the
10 county clerk shall accept for filing any document that fails to meet
11 the requirements of subsection B of this section if:

12 1. The document is an original or a certified copy of an
13 original;

14 2. The document is legible without the aid of magnification or
15 other enhancement of the text;

16 3. The document is xerographically reproducible by the copying
17 equipment in use by the county clerk;

18 4. The document meets all other statutory requirements for
19 recordation; and

20 5. The person offering the instrument for recording pays the
21 additional fee provided in Section 32 of Title 28 of the Oklahoma
22 Statutes for nonconforming documents.

23 D. Despite any provision in this section to the contrary, a
24 digitized image or electronic copy of an original or certified copy

1 of an original instrument or document shall satisfy the requirement
2 that the document be an original or certified copy of an original
3 instrument or document, provided that the digitized image or
4 electronic copy is submitted for recording electronically pursuant
5 to the Uniform Real Property Electronic Recording Act in Title 16 of
6 the Oklahoma Statutes and all other rules promulgated pursuant to
7 that act.

8 E. This section shall not apply to plats, filings under the
9 Uniform Commercial Code, or any other instruments that may be filed
10 pursuant to any other law.

11 F. All documents accepted for filing, including all documents
12 filed before February 18, 1997, shall be deemed to comply with the
13 requirements of this section and, except as otherwise provided by
14 law, impart constructive notice of the contents of such document to
15 third parties unless a person claiming adversely to any such
16 document files an affidavit setting forth the basis of such claim in
17 the office of the county clerk of the county where the property is
18 located within six (6) months from February 18, 1997.

19 G. 1. Upon the filing of a deed, the county clerk shall notify
20 or attempt to notify the previous deed holder of the filing. The
21 county clerk may determine the most effective way to notify the
22 previous deed holder including, but not limited to, offering a
23 property alert system or using third-party vendors that provide
24 notification services, provided the method used is effective in

1 sending a timely notification to the previous deed holder. Such
2 notification shall inform the previous deed holder of the new
3 filing. The county clerk may charge a notification fee of One
4 Dollar (\$1.00) to the filer of the deed for each deed filed with the
5 county clerk to effectuate the purposes of this subsection.

6 2. Upon the filing of a deed, if the county clerk has
7 reasonable suspicion that the filing was fraudulent, he or she shall
8 immediately notify the local district attorney. The district
9 attorney shall investigate the claim of fraud and, based upon his or
10 her findings, make a determination as to whether the filing was
11 fraudulent or if it was a legitimate deed conveyance. The county
12 clerk or district attorney shall not be liable to a deed holder for
13 any damages pursuant to this section when the clerk or district
14 attorney is in compliance with the provisions of this paragraph and
15 paragraph 1 of this subsection.

16 3. Upon receipt of the notification required by paragraph 1 of
17 this subsection, if the previous deed owner has reasonable suspicion
18 that the filing was fraudulent, he or she may immediately notify the
19 local district attorney. The district attorney shall investigate
20 the claim of fraud and, based upon his or her findings, make a
21 determination as to whether the filing was fraudulent or if it was a
22 legitimate deed conveyance.

23 4. If the district attorney, in his or her investigations as
24 provided for in paragraphs 2 and 3 of this subsection, determines

1 that the filing was fraudulent, he or she shall advise the person
2 who has lost a deed due to fraud on the manner by which he or she
3 can restore chain of title and may file the quiet title action. The
4 district attorney shall file a lis pendens with the county clerk on
5 behalf of the person who lost his or her deed due to fraud. All
6 fees associated with filing shall be waived by the district
7 attorney.

8 5. Any deed holder who falsely claims fraud with the intent to
9 stop the filing may be punished by the district attorney by a fine
10 not to exceed One Thousand Dollars (\$1,000.00), which shall be paid
11 into the District Attorneys Evidence Fund provided for in Section
12 215.40 of Title 19 of the Oklahoma Statutes.

13 SECTION 2. This act shall become effective November 1, 2025.

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