

1 ENGROSSED SENATE
2 BILL NO. 1405

By: Newberry of the Senate

3 and

4 Caldwell of the House

5
6 An Act relating to document filing fees; amending 28
7 O.S. 2011, Section 32, which relates to county clerk
8 fees; prohibiting the charging and collection of
9 certain fee; requiring the filing of certain document
10 under certain circumstances; allowing use of certain
11 information; and providing an effective date.

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

13 SECTION 1. AMENDATORY 28 O.S. 2011, Section 32, is
14 amended to read as follows:

15 Section 32. A. Notwithstanding any other provision of law
16 county clerks shall charge and collect the following flat fees to be
17 uniform throughout the state regardless of the recording method
18 used, and the county clerks shall not be required to itemize or
19 charge these fees pursuant to any other schedule, except as
20 specifically provided by law:

- 21 1. For recording the first page of deeds,
22 mortgages and any other instruments not
23 subject to the fee imposed by Section 1-9-525
24 of Title 12A of the Oklahoma Statutes.....\$8.00

- 1 2. For recording each additional page of same
- 2 instrument.....\$2.00
- 3 3. For furnishing hard copies of microfilmed
- 4 records to bonded abstractors only, per page.....\$1.00
- 5 4. For furnishing photographic copies of
- 6 photographic records, or of typewritten script
- 7 or printed records, per page.....\$1.00
- 8 5. For recording plat of one block or less..... \$10.00
- 9 6. For recording plat of more than one block..... \$25.00
- 10 7. For certifying to any copy per page..... \$1.00
- 11 8. For recording an assignment of Tax Sale
- 12 Certificate to be paid by the party purchasing.....\$5.00
- 13 9. For recording of any mark or brand and giving
- 14 certificate for same.....\$5.00
- 15 10. For recording each certificate for estrays
- 16 and forwarding description of same, as
- 17 required by law.....\$1.00
- 18 11. a. For recording and filing of mechanics'
- 19 or materialmen's liens which includes
- 20 the release thereof.....\$10.00
- 21 b. For preparing and mailing notice of
- 22 mechanics' or materialmen's lien.....\$8.00
- 23 plus the actual cost of postage
- 24 c. For each additional page or exhibit.....\$2.00

1 12. For recording and filing of fictitious name
2 partnership certificates.....\$5.00

3 To this fee shall be added the fees required
4 by Sections 81 through 86 of Title 54 of the
5 Oklahoma Statutes.

6 13. For recording the first page of deeds,
7 mortgages, and any other instruments which
8 are nonconforming pursuant to subsection C of
9 Section 298 of Title 19 of the Oklahoma
10 Statutes..... \$25.00

11 14. For recording each additional page of an
12 instrument which is nonconforming pursuant to
13 subsection C of Section 298 of Title 19 of
14 the Oklahoma Statutes..... \$10.00

15 B. The fees prescribed in paragraph 4 of subsection A of this
16 section shall be deposited into the County Clerk's Lien Fee Account,
17 created pursuant to Section 265 of Title 19 of the Oklahoma
18 Statutes.

19 C. For the purpose of preserving, maintaining, and archiving
20 recorded instruments including, but not limited to, records
21 management, records preservation, automation, modernization, and
22 related lawful expenditures, in addition to all other fees required
23 by law, the county clerk shall collect Five Dollars (\$5.00) for each
24 instrument recorded with the Registrar of Deeds.

1 D. There is hereby created a fund to be known as the "County
2 Clerk's Records Management and Preservation Fund". The fund shall
3 be a continuing fund, not subject to fiscal year limitations, and
4 shall consist of the fees and monies accruing to the fund, as
5 prescribed in subsection C of this section with all monies accruing
6 to the fund to be expended by the clerk and not transferred to any
7 other fund. The intent of this section is to increase the net
8 funding level available to the county clerk to maintain and preserve
9 public records.

10 E. The fees and costs prescribed in this section shall not
11 apply to child support enforcement offices operated by or on behalf
12 of the Department of Human Services' Child Support Enforcement
13 Division. County clerks shall not charge any fees or costs to such
14 offices, the Division, or the Department.

15 F. Upon the effective date of this act, no county clerk shall
16 charge or collect any fee for filing a document that may be required
17 related to flood determination for real property whether improved or
18 not. When a flood determination is required, the county shall
19 create a county flood determination form to be filed as a
20 prerequisite for filing the deed. The county clerk is authorized to
21 utilize the information related to flood status of the pertinent
22 real property stipulated by any lender making such determination
23 when a mortgage filing is made in conjunction with the deed.

24 SECTION 2. This act shall become effective November 1, 2016.

1 Passed the Senate the 2nd day of March, 2016.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

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8 _____
9 Presiding Officer of the House
10 of Representatives