

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 202

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to fees for electronic records;
8 amending 19 O.S. 2011, Section 245, as amended by
9 Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp.
10 2014, Section 245), which relates to records;
11 removing authorization to charge certain fee;
12 amending 28 O.S. 2011, Section 32, which relates to
13 county clerk fees; updating statutory reference;
14 authorizing certain fee for records in specified
15 format; providing exception; construing provision;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 245, as
19 amended by Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp. 2014,
20 Section 245), is amended to read as follows:

21 Section 245. ~~A.~~ It shall be the duty of the county clerk to
22 designate upon every account, which shall be audited and allowed by
23 the board, the amount so allowed, and the clerk shall deliver to any
24 person a copy certified or otherwise of any record in the clerk's
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,

1 for every page contained in the copy. Upon demand, the clerk shall
2 furnish a certified copy in the form as it exists and at the
3 preference of the requestor as provided by the Oklahoma Open Records
4 Act or the county clerk fee schedule.

5 ~~B. If the clerk provides records in an electronic format, the~~
6 ~~clerk may charge a reasonable fee for providing such records. For~~
7 ~~purposes of this section, "reasonable fee" shall mean the fee being~~
8 ~~charged by the clerk as of January 1, 2013, but shall not exceed~~
9 ~~twenty five cents (\$0.25) per page or fifteen cents (\$0.15) per page~~
10 ~~for providing more than three thousand five hundred pages in an~~
11 ~~electronic format. All recording devices for providing records in~~
12 ~~an electronic format shall be supplied by the county clerk. News~~
13 ~~media obtaining records in an electronic format for a news purpose~~
14 ~~and licensed abstractors performing their duties pursuant to state~~
15 ~~law shall be exempt from the fees provided for in this subsection.~~
16 ~~Nothing in this section shall be construed to allow county clerks to~~
17 ~~provide all or part of a tract index for use in any commercial~~
18 ~~purpose.~~

19 SECTION 2. AMENDATORY 28 O.S. 2011, Section 32, is
20 amended to read as follows:

21 Section 32. A. Notwithstanding any other provision of law
22 county clerks shall charge and collect the following flat fees to be
23 uniform throughout the state regardless of the recording method
24 used, and the county clerks shall not be required to itemize or

1 charge these fees pursuant to any other schedule, except as
2 specifically provided by law:

- 3 1. For recording the first page of deeds,
4 mortgages and any other instruments not
5 subject to the fee imposed by Section 1-9-525
6 of Title 12A of the Oklahoma Statutes.....\$8.00
- 7 2. For recording each additional page of same
8 instrument.....\$2.00
- 9 3. For furnishing hard copies of microfilmed
10 records to bonded abstractors only, per page.....\$1.00
- 11 4. For furnishing photographic copies of
12 photographic records, or of typewritten script
13 or printed records, per page.....\$1.00
- 14 5. For recording plat of one block or less..... \$10.00
- 15 6. For recording plat of more than one block..... \$25.00
- 16 7. For certifying to any copy per page..... \$1.00
- 17 8. For recording an assignment of Tax Sale
18 Certificate to be paid by the party purchasing.....\$5.00
- 19 9. For recording of any mark or brand and giving
20 certificate for same.....\$5.00
- 21 10. For recording each certificate for estrays
22 and forwarding description of same, as
23 required by law.....\$1.00

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- 1 11. a. For recording and filing of mechanics'
- 2 or materialmen's liens which includes
- 3 the release thereof.....\$10.00
- 4 b. For preparing and mailing notice of
- 5 mechanics' or materialmen's lien.....\$8.00
- 6 plus the actual cost of postage
- 7 c. For each additional page or exhibit.....\$2.00
- 8 12. For recording and filing of fictitious name
- 9 partnership certificates.....\$5.00
- 10 To this fee shall be added the fees required
- 11 by Sections 81 through ~~86~~ 84 of Title 54 of
- 12 the Oklahoma Statutes.
- 13 13. For recording the first page of deeds,
- 14 mortgages, and any other instruments which
- 15 are nonconforming pursuant to subsection C of
- 16 Section 298 of Title 19 of the Oklahoma
- 17 Statutes..... \$25.00
- 18 14. For recording each additional page of an
- 19 instrument which is nonconforming pursuant to
- 20 subsection C of Section 298 of Title 19 of
- 21 the Oklahoma Statutes..... \$10.00
- 22 B. Notwithstanding any provision of the Open Records Act, if
- 23 the county clerk provides records in an electronic format, the clerk
- 24 shall charge and collect twenty-five cents (\$.25) per page, or

1 fifteen cents (\$.15) per page if providing more than three thousand
2 five hundred pages. All recording devices for providing records in
3 an electronic format shall be supplied by the county clerk. News
4 media obtaining records in an electronic format for a news purpose
5 shall be exempt from the fees required by this subsection. To
6 protect the integrity of public records, nothing in this subsection
7 shall be construed to allow county clerks to provide all or part of
8 a tract index in any format to any party.

9 C. The fees prescribed in paragraph 4 of subsection A of this
10 section shall be deposited into the County Clerk's Lien Fee Account,
11 created pursuant to Section 265 of Title 19 of the Oklahoma
12 Statutes.

13 ~~€~~ D. For the purpose of preserving, maintaining, and archiving
14 recorded instruments including, but not limited to, records
15 management, records preservation, automation, modernization, and
16 related lawful expenditures, in addition to all other fees required
17 by law, the county clerk shall collect Five Dollars (\$5.00) for each
18 instrument recorded with the Registrar of Deeds.

19 ~~Đ~~ E. There is hereby created a fund to be known as the "County
20 Clerk's Records Management and Preservation Fund". The fund shall
21 be a continuing fund, not subject to fiscal year limitations, and
22 shall consist of the fees and monies accruing to the fund, as
23 prescribed in subsection ~~€~~ D of this section with all monies
24 accruing to the fund to be expended by the clerk and not transferred

1 to any other fund. The intent of this section is to increase the
2 net funding level available to the county clerk to maintain and
3 preserve public records.

4 ~~E.~~ F. The fees and costs prescribed in this section shall not
5 apply to child support enforcement offices operated by or on behalf
6 of the Department of Human Services' Child Support Enforcement
7 Division. County clerks shall not charge any fees or costs to such
8 offices, the Division, or the Department.

9 SECTION 3. This act shall become effective November 1, 2015.

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