

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 442

By: Haste of the Senate

and

6 Lawson, **Humphrey** and
7 **Roberts (Dustin)** of the
8 House

9
10 An Act relating to fees; amending 28 O.S. 2011,
11 Section 32, which relates to county clerks;
12 increasing certain fee for records preservation;
 updating statutory reference; and providing an
 effective date.

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

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

18 Section 32. A. Notwithstanding any other provision of law
19 county clerks shall charge and collect the following flat fees to be
20 uniform throughout the state regardless of the recording method
21 used, and the county clerks shall not be required to itemize or
22 charge these fees pursuant to any other schedule, except as
23 specifically provided by law:
24

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

- 1 b. For preparing and mailing notice of
2 mechanics' or materialmen's lien.....\$8.00
3 plus the actual cost of postage
- 4 c. For each additional page or exhibit.....\$2.00
- 5 12. For recording and filing of fictitious name
6 partnership certificates.....\$5.00
- 7 To this fee shall be added the fees required
8 by Sections 81 through ~~86~~ 84.1 of Title 54 of
9 the Oklahoma Statutes.
- 10 13. For recording the first page of deeds,
11 mortgages, and any other instruments which
12 are nonconforming pursuant to subsection C of
13 Section 298 of Title 19 of the Oklahoma
14 Statutes..... \$25.00
- 15 14. For recording each additional page of an
16 instrument which is nonconforming pursuant to
17 subsection C of Section 298 of Title 19 of
18 the Oklahoma Statutes..... \$10.00
- 19 B. The fees prescribed in paragraph 4 of subsection A of this
20 section shall be deposited into the County Clerk's Lien Fee Account,
21 created pursuant to Section 265 of Title 19 of the Oklahoma
22 Statutes.
- 23 C. For the purpose of preserving, maintaining, and archiving
24 recorded instruments including, but not limited to, records

1 management, records preservation, automation, modernization, and
2 related lawful expenditures, in addition to all other fees required
3 by law, the county clerk shall collect ~~Five Dollars (\$5.00)~~ Ten
4 Dollars (\$10.00) for each instrument recorded with the Registrar of
5 Deeds.

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

15 E. The fees and costs prescribed in this section shall not
16 apply to child support enforcement offices operated by or on behalf
17 of the Department of Human Services' Child Support Enforcement
18 Division. County clerks shall not charge any fees or costs to such
19 offices, the Division, or the Department.

20 SECTION 2. This act shall become effective November 1, 2019.

21
22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 03/28/2019 - DO PASS, As Coauthored.
24