

1 **SENATE FLOOR VERSION**

2 February 21, 2019

3 SENATE BILL NO. 442

By: Haste

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

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

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

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

- 20 1. For recording the first page of deeds,
21 mortgages and any other instruments not
22 subject to the fee imposed by Section 1-9-525
23 of Title 12A of the Oklahoma Statutes.....\$8.00
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- 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~~ 84.1 of Title 54 of
5 the 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)~~ Ten
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1 Dollars (\$10.00) for each instrument recorded with the Registrar of
2 Deeds.

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
19 February 21, 2019 - DO PASS

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