An Act

ENROLLED SENATE
BILL NO. 78

By: Newhouse of the Senate

and

Ford of the House

An Act relating to county clerks; amending 19 O.S. 2021, Section 245, which relates to duties as to audited accounts; permitting certified copies to be made in accordance with the Uniform Real Property Electronic Recording Act; allowing fee to be charged for certified records in accordance with certain fee schedule; amending 19 O.S. 2021, Section 285, which relates to register of deeds; allowing exception in accordance with the Uniform Real Property Electronic Recording Act; making language gender neutral; and providing an effective date.

SUBJECT: County clerks

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 245, is amended to read as follows:

Section 245. A. It shall be the duty of the county clerk to designate upon every account, which shall be audited and allowed by the board, the amount so allowed, and the clerk shall deliver to any 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, for every page contained in the copy. Upon demand, the clerk shall furnish a certified copy in the form as it exists and at the

preference of the requestor as provided by the Oklahoma Open Records Act or the county clerk fee schedule. Certified copies may be provided in paper or digital format in accordance with the Uniform Real Property Electronic Recording Act.

B. If the clerk provides records in an electronic format, the clerk may charge a reasonable fee for providing such records. For purposes of this section, "reasonable fee" shall mean the fee charged by the clerk shall not exceed twenty-five cents ($0.25) per image or fifteen cents ($0.15) per image for providing more than three thousand five hundred (3,500) images in an electronic format. If the clerk provides certified records, the clerk may charge a fee for the certification in accordance with the current fee schedule found in subsection A of Section 32 of Title 28 of the Oklahoma Statutes. All recording devices for providing records in an electronic format shall be supplied by the county clerk. News media obtaining records in an electronic format for a news purpose and licensed abstractors performing their duties pursuant to state law shall be exempt from the fees provided for in this subsection. Nothing in this section shall be construed to allow county clerks to provide all or part of a tract index for use in any commercial purpose.

SECTION 2. AMENDATORY 19 O.S. 2021, Section 285, is amended to read as follows:

Section 285. The register of deeds shall keep a seal, to be furnished by the county, which seal shall contain the name of the county, the words "Oklahoma" and ~~"Register of Deeds." He~~ "Register of Deeds". Except as provided in the Uniform Real Property Electronic Recording Act, he or she shall attach such seal to all instruments filed or recorded in his or her office, together with his or her signature and certificate to all certified copies of any instrument on file or of record in his or her office, which he or she is required to issue.

SECTION 3. This act shall become effective November 1, 2023.

Passed the Senate the 23rd day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th

day of April, 20 23, at 12:56 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 26th

day of April, 20 23, at 5:32 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th

day of April, 20 23, at 5:57 o'clock P. M.

By: Brian Bingman