

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 213

BY: WEEDN

AS INTRODUCED

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING SECTION 147, CHAPTER 162, O.S.L. 1988 (68 O.S. SUPP. 1990, SECTION 3301), WHICH RELATES TO CONVEYANCE DOCUMENTS; MODIFYING PROCEDURE FOR FILING CERTAIN DECLARATION; REQUIRING COUNTY ASSESSOR TO AFFIX FILING CERTIFICATION ON CONVEYANCE DOCUMENT; DELETING CERTAIN PROCEDURES RELATED TO FILING DECLARATION; DELETING CERTAIN PENALTY; MODIFYING RETENTION PERIOD FOR DECLARATION; TRANSFERRING CERTAIN RESPONSIBILITIES FROM COUNTY CLERK TO COUNTY ASSESSOR; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY Section 147, Chapter 162, O.S.L. 1988 (68 O.S. Supp. 1990, Section 3301), is amended to read as follows:

Section 3301. A. ~~When a conveyance document is presented to the county clerk for recording there shall also be filed a~~

~~declaration stating~~ Prior to a conveyance document being presented to the county clerk for recording, there shall be a declaration filed with the county assessor. The declaration shall state:

1. The legal description of the property conveyed;
2. The date of the conveyance;
3. The full price actually paid or required to be paid in exchange for the conveyance, in terms of money, or anything else of value;
4. Whether or not the conveyance price included personal property and if so, the value of the personal property;
5. The degree of ownership/interest in land or improvements conveyed;
6. A statement as to whether the conveyance was made between persons related within the third degree of consanguinity or was made between partnership or corporate entities having common partners or directors as applicable; and
7. The mailing address of the buyer and seller.

B. ~~The filing of the declaration in accordance with this section shall be a condition for recording~~ The county assessor shall affix filing certification on the conveyance document.

C. ~~The county clerk shall not record such declarations, but shall enter thereon the recording date and the conveyance document number assigned to the conveyance instrument submitted for recording.~~

D. ~~The county clerk shall submit such declarations to the county assessor in a confidential manner.~~ Information subsequently abstracted from all such declarations by county or state government and the declarations themselves may be used only for the purpose of accurately determining the price paid for property for purposes of mass appraisal and for the purpose of determining the ratio of assessed value to the fair cash value for the county as prescribed by law. ~~Any person who violates the requirement of confidentiality~~

~~required by this subsection shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not to exceed Ten Thousand Dollars (\$10,000.00), imprisonment in the county jail for a term of not to exceed one (1) year or by both such fine and imprisonment. Such person shall also be civilly liable for three (3) times the amount of actual damages incurred by any person as a result of violation of such confidentiality requirement. Any declaration made pursuant to this section or any abstract or other document prepared from such declaration shall, in conspicuous print, state the criminal and civil penalties authorized by law for violation of the confidentiality requirement.~~

~~E. D.~~ The declaration shall be retained by the county assessor for a ~~five (5) year~~ three-year period, then destroyed. Such ~~declarations shall be filed and indexed by date of conveyance.~~ The declarations shall be used only for the purposes described by this act and may only be released upon the written approval of the record owner.

~~F. E.~~ The county ~~clerk~~ assessor shall be provided an adequate supply of declaration forms which meet the requirements of ~~this act~~ the Ad Valorem Tax Code, Section 2801 et seq. of this title, by the Oklahoma Tax Commission.

~~G. F.~~ Such declarations shall be signed by the seller and shall be attested to in writing under penalty of perjury that to the best of their knowledge and belief the information contained in the declaration is true and correct.

SECTION 2. This act shall become effective January 1, 1992.