

SHORT TITLE: Counties and county officers; providing fees;
allowing certain records to be kept on computer; requiring certain
information to be included when records are stored on computer;
providing certain software requirements and safeguards;
codification; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1164

By: Easley

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 1991, Sections 289 and 298, which relate to duties of the county clerk, and 28 O.S. 1991, Section 32, as last amended by Section 11, Chapter 292, O.S.L. 1993 (28 O.S. Supp. 1993, Section 32), which relates to certain fees; allowing certain records to be kept on computer; requiring certain telephone numbers to be listed; providing fee for computer-generated copies; providing fee per page for certain indexes; requiring certain number of terminals and service contract for terminals in office of county clerk; providing certain requirements for software; providing for certain information to be included when recording records on computer; requiring certain information to be entered under certain fields; requiring software to contain certain safeguards; requiring computer scanner to have certain safeguards; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 289, is amended to read as follows:

Section 289. The county clerk shall keep a receiving book and may keep a reception record on computer, with suitable headings and columns, as the case may be, for:

~~a. For instruments~~ 1. Instruments to be recorded by the county clerk as registrar of deeds; and

~~b. For instruments~~ 2. Instruments to be filed as public notice by the county clerk as such; which receiving book or reception record, in either instance, shall show the name of the person who deposited the same, the nature of the instrument, the year, month, day, hour, and minute when the same shall be received, the fee for recording or filing the same, and where the instrument is filed or to whom such instrument is mailed or delivered if recorded. It shall be the duty of the State Auditor

and Inspector to prescribe suitable forms, pertaining to the receiving book, to conform to this act and for the separate instances noted.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 298, is amended to read as follows:

Section 298. Every county clerk in each county of this state shall require that the mandates of the Legislature be complied with, as expressed in Sections 287 and 291 of this title; and for that purpose, every instrument offered which may be accepted by him or her for recording, affecting specific real property whether of conveyance, encumbrance, assignment, or release of encumbrance, lease, assignment of lease or release of lease, shall be legible, and shall by its own terms describe said property by the legal description and provide such information as is necessary for indexing numerically as required in Sections 287 and 291 of this title, and on each such instrument shall be listed the mailing address and telephone number of the grantee, mortgagee, assignee or other designated party to which said instrument is to be delivered. Any instrument offered to a county clerk for recording containing more than twenty-five (25) legal descriptions per page, counted as each description which could require a separate line entry in the numerical index, shall be accompanied by an additional filing fee of One Dollar (\$1.00) per legal description in excess of twenty-five legal descriptions per page to be paid to the county clerk. Unless the person offering such instrument is willing to reform such instrument to conform to said statutory requirements, for which purpose it may be withdrawn and refiled, the county clerk shall have no authority to record the same in his records of deeds, leases or mortgages nor to index the same upon the index records referred to in Sections 287 or 291 of this title, or to file or record the same in his or her office.

SECTION 3. AMENDATORY 28 O.S. 1991, Section 32, as last amended by Section 11, Chapter 292, O.S.L. 1993 (28 O.S. Supp. 1993, Section 32), is amended to read as follows:

Section 32. A. Notwithstanding any other provision of law county clerks shall charge and collect the following flat fees to

be uniform throughout the state regardless of the recording method used, and the county clerks shall not be required to itemize or charge these fees pursuant to any other schedule, except as specifically provided by law:

1. For recording the first page of deeds, mortgages and any other instruments.....\$8.00
2. For recording each additional page of same instrument.....\$2.00
3. For furnishing hard copies of microfilmed records to bonded abstractors only, per page.....\$1.00
4. For furnishing computer-generated copies, photographic copies of photographic records, or of typewritten script or printed records, per page.....\$1.00
5. For recording plat of one block or less.....\$10.00
6. For recording plat of more than one block.....\$25.00
7. For certifying to any copy per page.....\$1.00
8. For recording an assignment of Tax Sale Certificate to be paid by the party purchasing.....\$5.00
9. For recording of any mark or brand and giving certificate for same.....\$5.00
10. For recording each certificate for estrays and forwarding description of same, as required by law.....\$1.00
11. a. For recording and filing of mechanics' or materialmen's liens which includes the

release

thereof.....\$10.00

b. For preparing and mailing notice of

mechanics' or materialmen's

lien.....\$8.00

c. For each additional page or

exhibit.....\$2.00

12. For recording and filing of fictitious name partnership

certificates.....\$5.00

To this fee shall be added the fees required by

Sections 81 through 86 of Title 54 of the Oklahoma Statutes.

13. For filing and indexing an original financing

statement or a continuation statement and for

filing a termination statement and a statement

of release

therefor.....\$10.00

(Section 9-403 of Title 12A)

14. For a filing pursuant to Section 6-209 of

Title 12A of the Oklahoma

Statutes.....\$10.00

15. For furnishing computer-generated copies of

indexes, including: grantor/grantee index,

grantee/grantor index, plat book index, reception

record, chattel mortgage index, and numerical

indexes, per

page.....\$3.00

B. The fees prescribed in paragraph 4 of subsection A of this section shall be deposited into the County Clerk's Lien Fee Account, created pursuant to Section 265 of Title 19 of the Oklahoma Statutes in an amount not to exceed Ten Thousand Dollars (\$10,000.00) each fiscal year.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 301.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

The office of any county clerk where any or all records are stored on computer, including, but not limited to storage on optical disk, must have a sufficient number of computer terminals designated for public use, to provide prompt and reasonable access to its records. In addition, the county clerk shall maintain a service contract with a bonded vendor to provide repairs or replace broken equipment within twenty-four (24) hours.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 301.2 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. If a county clerk is storing any or all records on computer and is providing public access to such records, computer software must be used which has certain search capabilities. Information will be entered into the computer under specific field headings, including, but not limited to:

1. Property description, which includes: distinguishing between North and South Townships, distinguishing between East and West Ranges, governmental survey calls to ten (10) acres, correction and river lots, unplatted subdivisions, metes and bounds descriptions;

2. Name, including grantor, grantee, or to whom the instrument was returned;

3. Document and reception number;

4. Document type;

5. Book and page number;

6. Filing date; or

7. Any combination of the above.

B. If the county clerk keeps a computer index, he or she shall include any information required to be recorded pursuant to Sections 287, 288.1, 290 and 291 of this title, or otherwise provided for by law.

C. When the county clerk enters information on the computer, provided for by subsection B of this section, he or she shall enter, under the appropriate field heading, specific information pertaining to different instruments of writing, to include:

1. Real estate records: name of grantor, name of grantee, type of instrument being recorded, legal description, including, but not limited to, farmland descriptions, corrective and river lots, platted lands, and metes and bounds descriptions, book, page number, filing date, and the document or reception number;

2. Judgments: name of judgment creditor, name of judgment debtor, book, page number, filing date, document and reception number, amount of judgment, and remarks;

3. Statutory liens: name of lien creditor, name of lien debtor, book, page number, filing date, and document and reception number;

4. Fictitious name certificates: names of all partners, book, page number, filing date, and document and reception number; and

5. Miscellaneous documents: names of all parties, book, page number, filing date, document and reception number.

D. If a county clerk stores any or all information on computer, he or she must use software that contains certain safeguards to ensure the integrity of the data is maintained. The software must include a safeguard ensuring that once the information is entered on the computer, it cannot be altered without the entry of a code or password.

E. If a county clerk is loading information into the computer by scanning, rather than by key stroke, the computer scanner and software must have certain safeguard capabilities, including, but not limited to:

1. Adjustable contrast controls; and
2. Protection that the scanned images cannot be altered.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 301.3 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Once the information has been stored on the computer, and transferred to computer discs, the original discs must be stored in a system capable of handling multiple users.

B. A security copy of each disc shall be stored off-site in a fireproof vault that is temperature and humidity controlled.

SECTION 7. This act shall become effective July 1, 1994.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-1606

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