

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1265

By: Smith of the Senate

and

Case of the House

(fees - court fees - payment of postage cost -
certain notice - modifying deadline -
effective date)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to fees; amending 28 O.S. 2001, Sections 31, as amended by Section 3, Chapter 440, O.S.L. 2003, 32, as amended by Section 11, Chapter 22, O.S.L. 2002, and 106 (28 O.S. Supp. 2003, Sections 31 and 32), which relate to court fees; removing certain fee; requiring payment of postage cost for certain notice; removing limitation on certain deposits; modifying certain deadline; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 31, as amended by Section 3, Chapter 440, O.S.L. 2003 (28 O.S. Supp. 2003, Section 31), is amended to read as follows:

Section 31. Notwithstanding any other provision of law, the clerk of the district court, or the clerk of any other court of record, shall charge and collect the following fees for services by them respectively rendered and none others, except as otherwise provided by law:

Approving bond or undertaking,

including certificate and seal.....\$3.00

Making copy of an instrument of
 record or on file, first page.....\$1.00
 subsequent pages (each)..... \$0.50
 Certifying to any instrument (each)..... \$0.50
 Authentication of court records.....\$5.00
 Receiving and paying out money in
 pursuance of law or order of court1%
 provided, however, that such
 charge shall not exceed \$300.00.

~~In any case which has been on file and
 pending without activity for a period
 of five (5) years and in which there
 is on hand, unexpended, a balance of
 deposits for costs, there shall be a
 charge annually thereafter for
 accounting, to be deducted from any
 such balance, and to the extent
 available therefor, an annual fee of\$3.00~~

Application, issuing, entering return
 and recording marriage license if the
 applicants submit a certificate that
 states the applicants have completed
 the premarital counseling program
 pursuant to Section 5.1 of Title 43
 of the Oklahoma Statutes\$5.00

Application, issuing, entering return
 and recording marriage license if the
 applicants do not submit a certificate
 that states the applicants have
 completed the premarital counseling
 program pursuant to Section 5.1 of
 Title 43 of the Oklahoma Statutes.....\$50.00

Conveyance of full-blood Indian heirs
to interest in inherited lands, same
to be accounted for as other fees\$5.00
Posting notice outside the courthouse.....\$10.00
Mailing, by any type of mail,
writs, warrants, orders,
process, command or notice for
each person \$10.00, or
actual expense, whichever is greater,
except ordinary mailing of first-class
mail in probate cases, for each case\$10.00, or
actual expense, whichever is greater.
For the actual cost of all
postage in each case in excess
of \$10.00, or
actual expense, whichever is greater.
For filing and indexing of disclaimers
other than in pending probate or civil
cases pursuant to the provisions of
Section 751 et seq. of Title 60 of the
Oklahoma Statutes \$5.00

SECTION 2. AMENDATORY 28 O.S. 2001, Section 32, as amended by Section 11, Chapter 22, O.S.L. 2002 (28 O.S. Supp. 2003, 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

- not subject to the fee imposed by
Section 1-9-525 of Title 12A of the
Oklahoma Statutes.....\$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 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
plus the actual cost of postage
 - 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 recording the first page of deeds,
mortgages, and any other instruments
which are nonconforming pursuant to
subsection C of Section 298 of Title
19 of the Oklahoma Statutes..... \$25.00

14. For recording each additional page of an
instrument which is nonconforming
pursuant to subsection C of Section
298 of Title 19 of the Oklahoma
Statutes..... \$10.00

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 Twenty Thousand Dollars (\$20,000.00) each
fiscal year.~~

C. For the purpose of preserving, maintaining, and archiving
recorded instruments including, but not limited to, records
management, records preservation, automation, modernization, and
related lawful expenditures, in addition to all other fees required
by law, the county clerk shall collect Five Dollars (\$5.00) for each
instrument recorded with the Registrar of Deeds.

D. There is hereby created a fund to be known as the "County
Clerk's Records Management and Preservation Fund". The fund shall
be a continuing fund, not subject to fiscal year limitations, and
shall consist of the fees and monies accruing to the fund, as
prescribed in subsection C of this section with all monies accruing
to the fund to be expended by the clerk and not transferred to any
other fund. The intent of this section is to increase the net

funding level available to the county clerk to maintain and preserve public records.

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

SECTION 3. AMENDATORY 28 O.S. 2001, Section 106, is amended to read as follows:

Section 106. It shall be the duty of the court clerk receiving any costs or fees belonging to any other person, to deposit the same in the court fund subject to the order of the person entitled thereto, and to pay the same over on request; and if such costs or fees shall not be claimed ~~within three (3) years after having been received~~ by the end of the fiscal year following the fiscal year of receipt, except in all cases where jurisdiction is continuing, and ~~three (3) years~~ by the end of the fiscal year after the year in which final judgment is granted, they shall become the property of the court fund, provided that any unexpended court costs or money belonging to litigants shall be mailed by the court clerk to the proper attorney of record.

SECTION 4. This act shall become effective November 1, 2004."

Passed the House of Representatives the 20th day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2004.

Presiding Officer of the Senate