

SB 1265

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THE STATE SENATE
Tuesday, February 17, 2004

Senate Bill No. 1265

As Amended

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]

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

1 Receiving and paying out money in
2 pursuance of law or order of court1%
3 provided, however, that such
4 charge shall not exceed \$300.00.

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

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

21 Application, issuing, entering return
22 and recording marriage license if the
23 applicants do not submit a certificate

1 that states the applicants have
2 completed the premarital counseling
3 program pursuant to Section 5.1 of
4 Title 43 of the Oklahoma Statutes.....\$50.00

5 Conveyance of full-blood Indian heirs
6 to interest in inherited lands, same
7 to be accounted for as other fees\$5.00

8 Posting notice outside the courthouse.....\$10.00

9 Mailing, by any type of mail,
10 writs, warrants, orders,
11 process, command or notice for
12 each person \$10.00, or
13 actual expense, whichever is greater,
14 except ordinary mailing of first-class
15 mail in probate cases, for each case\$10.00, or
16 actual expense, whichever is greater.

17 For the actual cost of all
18 postage in each case in excess
19 of \$10.00, or
20 actual expense, whichever is greater.

21 For filing and indexing of disclaimers
22 other than in pending probate or civil
23 cases pursuant to the provisions of

1 Section 751 et seq. of Title 60 of the
2 Oklahoma Statutes \$5.00

3 SECTION 2. AMENDATORY 28 O.S. 2001, Section 32, as
4 amended by Section 11, Chapter 22, O.S.L. 2002 (28 O.S. Supp. 2003,
5 Section 32), is amended to read as follows:

6 Section 32. A. Notwithstanding any other provision of law
7 county clerks shall charge and collect the following flat fees to be
8 uniform throughout the state regardless of the recording method
9 used, and the county clerks shall not be required to itemize or
10 charge these fees pursuant to any other schedule, except as
11 specifically provided by law:

- 12 1. For recording the first page of deeds,
13 mortgages and any other instruments
14 not subject to the fee imposed by
15 Section 1-9-525 of Title 12A of the
16 Oklahoma Statutes.....\$8.00
- 17 2. For recording each additional page of
18 same instrument.....\$2.00
- 19 3. For furnishing hard copies of microfilmed
20 records to bonded abstractors only,
21 per page.....\$1.00
- 22 4. For furnishing photographic copies of
23 photographic records, or of

- 1 typewritten script or printed records,
2 per page.....\$1.00
- 3 5. For recording plat of one block or less..... \$10.00
4 6. For recording plat of more than one block..... \$25.00
5 7. For certifying to any copy per page..... \$1.00
6 8. For recording an assignment of Tax Sale
7 Certificate to be paid by the party
8 purchasing.....\$5.00
9 9. For recording of any mark or brand and
10 giving certificate for same.....\$5.00
11 10. For recording each certificate for
12 estrays and forwarding description of
13 same, as required by law.....\$1.00
14 11. a. For recording and filing of
15 mechanics' or materialmen's liens
16 which includes the release thereof.....\$10.00
17 b. For preparing and mailing notice of
18 mechanics' or materialmen's lien.....\$8.00
19 plus the actual cost of postage
20 c. For each additional page or exhibit.....\$2.00
21 12. For recording and filing of fictitious
22 name partnership certificates\$5.00

1 To this fee shall be added the fees
2 required by Sections 81 through 86 of
3 Title 54 of the Oklahoma Statutes.

4 13. For recording the first page of deeds,
5 mortgages, and any other instruments
6 which are nonconforming pursuant to
7 subsection C of Section 298 of Title
8 19 of the Oklahoma Statutes..... \$25.00

9 14. For recording each additional page of an
10 instrument which is nonconforming
11 pursuant to subsection C of Section
12 298 of Title 19 of the Oklahoma
13 Statutes..... \$10.00

14 B. The fees prescribed in paragraph 4 of subsection A of this
15 section shall be deposited into the County Clerk's Lien Fee Account,
16 created pursuant to Section 265 of Title 19 of the Oklahoma Statutes
17 ~~in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) each~~
18 ~~fiscal year.~~

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

1 by law, the county clerk shall collect Five Dollars (\$5.00) for each
2 instrument recorded with the Registrar of 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 3. AMENDATORY 28 O.S. 2001, Section 106, is
18 amended to read as follows:

19 Section 106. It shall be the duty of the court clerk receiving
20 any costs or fees belonging to any other person, to deposit the same
21 in the court fund subject to the order of the person entitled
22 thereto, and to pay the same over on request; and if such costs or
23 fees shall not be claimed ~~within three (3) years after having been~~

1 ~~received~~ by the end of the fiscal year following the fiscal year of
2 receipt, except in all cases where jurisdiction is continuing, and
3 ~~three (3) years~~ by the end of the fiscal year after the year in
4 which final judgment is granted, they shall become the property of
5 the court fund, provided that any unexpended court costs or money
6 belonging to litigants shall be mailed by the court clerk to the
7 proper attorney of record.

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-04 - DO
10 PASS, As Amended and Coauthored.