

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1591

By: Adkins

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 2001, Section 32, as last amended by Section 2, Chapter 288, O.S.L. 2004 (28 O.S. Supp. 2004, Section 32), which relates to county clerk fees; modifying use of fee collected to preserve, maintain, and archive public records; directing funds be used to create, preserve, and maintain public records in electronic form; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 32, as last amended by Section 2, Chapter 288, O.S.L. 2004 (28 O.S. Supp. 2004, 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.

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. Beginning July 1, 2005, the fee collected pursuant to this subsection shall be used exclusively for the purpose of creating, maintaining, and preserving public records in electronic form.

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 create, maintain and preserve public records in electronic form.

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 2. This act shall become effective July 1, 2005.

SECTION 3. 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.

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