

1 ENGROSSED HOUSE  
2 BILL NO. 3013

By: Worthen, Cooksey and Martin  
(Steve) of the House

3 and

4 Jolley of the Senate  
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8 An Act relating to abstracting; amending 74 O.S.  
9 2001, Sections 227.11, as amended by Section 2,  
10 Chapter 359, O.S.L. 2007, and as renumbered by  
11 Section 22, Chapter 359, O.S.L. 2007 and 227.15, as  
12 amended by Section 10, Chapter 359, O.S.L. 2007, and  
13 as renumbered by Section 22, Chapter 359, O.S.L. 2007  
14 (1 O.S. Supp. 2007, Sections 21 and 28), which relate  
15 to the Oklahoma Abstractors Law; modifying  
16 definition; modifying requirement relating to certain  
17 required set of abstract books or indexes;  
18 prohibiting the limiting of liability under certain  
19 circumstances; and providing an effective date.

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

21 SECTION 1. AMENDATORY 74 O.S. 2001, Section 227.11, as  
22 amended by Section 2, Chapter 359, O.S.L. 2007, and as renumbered by  
23 Section 22, Chapter 359, O.S.L. 2007 (1 O.S. Supp. 2007, Section  
24 21), is amended to read as follows:

Section 21. As used in the Oklahoma Abstractors Act:

1. "Abstract of title" is a compilation in orderly arrangement  
of the materials and facts of record, in the office of the county

1 clerk and court clerk, affecting the title to a specific tract of  
2 land issued pursuant to a certificate certifying to the matters  
3 therein contained;

4 2. "Abstract plant" shall consist of a set of records in which  
5 an entry has been made of all documents or matters which legally  
6 impart constructive notice of matters affecting title to real  
7 property, any interest therein or encumbrances thereon, which are  
8 filed ~~or~~, recorded and currently available for reproduction in the  
9 offices of the county clerk and the court clerk in the county for  
10 which such abstract plant is maintained. Such records shall consist  
11 of:

12 a. an index in which notations of or references to any  
13 documents that describe the property affected are  
14 included, according to the property described or in  
15 which copies or briefs of all such documents that  
16 describe the property affected are sorted and filed  
17 according to the property described, which is compiled  
18 from the instruments of record affecting real property  
19 in the county offices and not copied or reproduced  
20 from any county index; and

21 b. an index or files in which all other documents,  
22 pending suits affecting real property and liens,  
23 except ad valorem taxes and special assessments, are  
24 posted, entered, or otherwise included, according to

1 the name of the parties whose title to real property  
2 or any interest therein or encumbrances thereon is  
3 affected, which is compiled from the instruments of  
4 record affecting real property in the county offices  
5 and not copied from any county index;

6 3. "Abstract license" is the authorization for a person working  
7 for a holder of a certificate of authority to search and remove from  
8 county offices county records, summarize or compile copies of such  
9 records, and issue the abstract of title;

10 4. "Act" or "Oklahoma Abstractors Law" means the Oklahoma  
11 Abstractors Act;

12 5. "Board" means the Oklahoma Abstractors Board;

13 6. "Certificate of authority" is the authorization to engage in  
14 the business of abstracting in a county in this state, granted to a  
15 person, firm, corporation, or other entity, by the Oklahoma  
16 Abstractors Board;

17 7. "Permit" is the authorization to build an abstract plant in  
18 a specific county; and

19 8. "State Auditor and Inspector", for the purposes of the  
20 Oklahoma Abstractors Act, means the Oklahoma Abstractors Board.

21 SECTION 2. AMENDATORY 74 O.S. 2001, Section 227.15, as  
22 amended by Section 10, Chapter 359, O.S.L. 2007, and as renumbered  
23 by Section 22, Chapter 359, O.S.L. 2007 (1 O.S. Supp. 2007, Section  
24 28), is amended to read as follows:

1 Section 28. In addition to the bond required any person, firm,  
2 corporation, or other entity not engaged in the business of  
3 abstracting on January 1, 1984, desiring to enter into the business  
4 of compiling or abstracting titles to real estate in any of the  
5 counties of the State of Oklahoma from and after the passage of the  
6 Oklahoma Abstractors Act, shall have for use in such business an  
7 independent set of abstract books or other system of indexes  
8 compiled from the instruments of record affecting real estate in the  
9 office of the county clerk, and not copied from the indexes in said  
10 office, showing in a sufficiently comprehensive form all instruments  
11 affecting the title to real property on file ~~on~~, of record and  
12 currently available for reproduction in the office of the county  
13 clerk and court clerk of the county wherein such business is  
14 conducted. Provided that nothing in this section shall in any way  
15 be construed as to limit the liability of the holder of a  
16 certificate of authority to provide an abstract of title compiled  
17 and certified to in accordance with the Oklahoma Abstractors Act.

18 SECTION 3. This act shall become effective November 1, 2008.  
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1 Passed the House of Representatives the 11th day of March, 2008.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

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9 Presiding Officer of the Senate