

**THE HOUSE OF REPRESENTATIVES**  
**Monday, April 14, 2008**

**ENGROSSED**  
**Senate Bill No. 1575**

ENGROSSED SENATE BILL NO. 1575 - By: JOLLEY of the Senate and WORTHEN of the House.

An Act relating to abstracting; amending 74 O.S. 2001, Sections 227.11, as amended by Section 2, Chapter 359, O.S.L. 2007, and as renumbered by Section 22, Chapter 359, O.S.L. 2007, and 227.15, as amended by Section 10, Chapter 359, O.S.L. 2007, and as renumbered by Section 22, Chapter 359, O.S.L. 2007 (1 O.S. Supp. 2007, Sections 21 and 28), which relate to the Oklahoma Abstractors Law; modifying definition; modifying requirement relating to certain required set of abstract books or indexes; construing provision of law; and providing an effective date.

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

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

4           Section 21. As used in the Oklahoma Abstractors Act:

5           1. "Abstract of title" is a compilation in orderly arrangement of the materials and  
6    facts of record, in the office of the county clerk and court clerk, affecting the title to a  
7    specific tract of land issued pursuant to a certificate certifying to the matters therein  
8    contained;

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

- 7           a.     an index in which notations of or references to any documents that  
8                 describe the property affected are included, according to the property  
9                 described or in which copies or briefs of all such documents that  
10                describe the property affected are sorted and filed according to the  
11                property described, which is compiled from the instruments of record  
12                affecting real property in the county offices and not copied or  
13                reproduced from any county index; and
- 14           b.     an index or files in which all other documents, pending suits affecting  
15                 real property and liens, except ad valorem taxes and special  
16                 assessments, are posted, entered, or otherwise included, according to  
17                 the name of the parties whose title to real property or any interest  
18                 therein or encumbrances thereon is affected, which is compiled from  
19                 the instruments of record affecting real property in the county offices  
20                 and not copied from any county index;

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

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

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

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

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

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

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

15          Section 28. In addition to the bond required any person, firm, corporation, or other  
16 entity not engaged in the business of abstracting on January 1, 1984, desiring to enter  
17 into the business of compiling or abstracting titles to real estate in any of the counties of  
18 the State of Oklahoma from and after the passage of the Oklahoma Abstractors Act, shall  
19 have for use in such business an independent set of abstract books or other system of  
20 indexes compiled from the instruments of record affecting real estate in the office of the  
21 county clerk, and not copied from the indexes in said office, showing in a sufficiently  
22 comprehensive form all instruments affecting the title to real property on file, ~~or~~ of

1 record and currently available for reproduction in the office of the county clerk and court  
2 clerk of the county wherein such business is conducted, provided that nothing in this  
3 section shall in any way be construed as to limit the liability of the holder of a certificate  
4 of authority to provide an abstract of title compiled and certified to in accordance with  
5 the Oklahoma Abstractors Act.

6 SECTION 3. This act shall become effective November 1, 2008.

7 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND  
8 FINANCIAL SERVICES, dated 04-10-08 - DO PASS.