

THE HOUSE OF REPRESENTATIVES
Wednesday, April 9, 2008

ENGROSSED
Senate Bill No. 1975

ENGROSSED SENATE BILL NO. 1975 - By: CORN of the Senate and BRANNON of the House.

An Act relating to abstracting; amending 74 O.S. 2001, Section 227.23, as amended by Section 17, Chapter 359, O.S.L. 2007, and as renumbered by Section 22, Chapter 359, O.S.L. 2007 (1 O.S. Supp. 2007, Section 36), which relates to rights and responsibilities of abstractors; making language gender neutral; making certain access to instruments of record for certain purpose only; prohibiting selling of records for certain purpose; making certain action a violation of the Oklahoma Abstractors 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 227.23, as amended by
2 Section 17, 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 36), is amended to read as follows:

4 Section 36. A. Any person, firm, corporation, or other entity holding a valid
5 abstract license or permit, or any abstract licensee affiliated with such person, firm,
6 corporation, or other entity, shall:

7 1. have free access to the instruments of record affecting real property filed in any
8 city, county, or state office;

9 2. be permitted to make such memoranda, notations, or copies of such instruments
10 of record;

1 3. occupy reasonable space with equipment for that purpose during the business
2 hours of such office;

3 4. make and prepare abstracts; and

4 5. compile, post, copy, and maintain his or her books, records, and indexes.

5 B. The records in any city, county, or state office shall not be taken from the office
6 to which they belong, for any reason, except that records may be taken from the office of
7 the district court clerk by an abstractor who is doing business within that county and has
8 an approved bond on file with the county clerk for a period of time not to exceed
9 twenty-four (24) hours after first giving proper receipt to the appropriate clerk or deputy.

10 C. An abstractor shall have the right of access to any instrument filed of record in a
11 county office, not later than the close of business of the first business day following the
12 day of filing. There shall be no fee charged for providing access to the instrument.

13 D. For purposes of this section, "access" means possession of said instrument to
14 mechanically reproduce it, either in the office or out of the office of filing, at the
15 discretion of the county officer having custody of the instrument, which reproduction
16 shall be completed not later than the close of business of the first business day following
17 the day of receipt of the document. Provided if the abstractor fails to return the files
18 within the twenty-four-hour period, the county officer in his or her discretion may refuse
19 to allow the abstractor to remove said files at a later date. Any county officer making
20 such refusal shall send written notice of such action to the Oklahoma Abstractors Board.

21 E. Access to instruments of record shall be for immediate and lawful abstracting
22 purposes only. The sale of the instruments of record for profit to the public either on the

1 internet or any other such forum by any company holding a permit to build an abstract
2 plant is prohibited, and a violation of this subsection shall be considered a violation of
3 the Oklahoma Abstractors Law.

4 F. All certificates of authority or permit holders and abstract licensees shall be
5 subject to the same obligation to protect and preserve the public records to which they
6 have access as do the public officers who have legal custody of such records. Holders of
7 certificates of authority or permits and abstract licensees shall be subject to the same
8 penalties for a violation of such duty as said officers.

9 F. G. Reliance on the county indexes in the preparation of an abstract of title shall
10 not be a defense of liability for an error or omission in an abstract of title.

11 SECTION 2. This act shall become effective November 1, 2008.

12 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
13 FINANCIAL SERVICES, dated 04-08-08 - DO PASS.