

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1975

By: Corn

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7 AS INTRODUCED

8 An Act relating to abstracting; amending 74 O.S.  
9 2001, Section 227.23, as amended by Section 17,  
10 Chapter 359, O.S.L. 2007, and as renumbered by  
11 Section 22, Chapter 359, O.S.L. 2007 (1 O.S. Supp.  
12 2007, Section 36), which relates to rights and  
13 responsibilities of abstractors; making language  
14 gender neutral; making certain access to instruments  
15 of record for certain purpose only; prohibiting  
16 selling of records for certain purpose; making  
17 certain action a violation of the Oklahoma  
18 Abstractors Law; and providing an effective date.

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

18 SECTION 1. AMENDATORY 74 O.S. 2001, Section 227.23, as  
19 amended by Section 17, Chapter 359, O.S.L. 2007, and as renumbered  
20 by Section 22, Chapter 359, O.S.L. 2007 (1 O.S. Supp. 2007, Section  
21 36), is amended to read as follows:

22 Section 36. A. Any person, firm, corporation, or other entity  
23 holding a valid abstract license or permit, or any abstract licensee  
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1 affiliated with such person, firm, corporation, or other entity,  
2 shall:

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

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

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

9 4. make and prepare abstracts; and

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

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

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

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

12 E. Access to instruments of record shall be for immediate and  
13 lawful abstracting purposes only. The sale of the instruments of  
14 record for profit to the public either on the internet or any other  
15 such forum is prohibited, and a violation of this subsection shall  
16 be considered a violation of the Oklahoma Abstractors Law.

17 ~~E.~~ F. All certificates of authority or permit holders and  
18 abstract licensees shall be subject to the same obligation to  
19 protect and preserve the public records to which they have access as  
20 do the public officers who have legal custody of such records.  
21 Holders of certificates of authority or permits and abstract  
22 licensees shall be subject to the same penalties for a violation of  
23 such duty as said officers.

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

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

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