

1 ENGROSSED HOUSE
2 BILL NO. 2936

By: Russ and Hilliard of the
House

3 and

4 Newberry of the Senate
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8 An Act relating to banks and trust companies;
9 amending 6 O.S. 2001, Section 2206, which relates to
10 the Financial Privacy Act; raising the fees for
search and processing of certain financial records;
and providing an effective date.

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

14 SECTION 1. AMENDATORY 6 O.S. 2001, Section 2206, is
15 amended to read as follows:

16 Section 2206. A. A government authority shall pay to the
17 financial institution assembling, reproducing or providing any
18 financial record of a customer a reasonable fee for such costs,
19 including copying costs and labor costs, to be paid prior to the
20 time the record is released.

21 B. For purposes of this section, the following fees shall be
22 deemed reasonable:

23 1. Search and processing costs. Reimbursement for search and
24 processing costs shall be the total amount of direct personnel time

1 incurred in locating and retrieving, reproducing, packaging and
2 preparing financial records for shipment or delivery. The rate for
3 search and processing costs shall be ~~Eleven Dollars (\$11.00)~~ Twenty-
4 Two Dollars (\$22.00) per hour per person for clerical or technical
5 personnel, computed on the basis of ~~Two Dollars and seventy-five~~
6 ~~cents (\$2.75)~~ Five Dollars and fifty cents (\$5.50) per quarter hour
7 or fraction thereof, and ~~Seventeen Dollars (\$17.00)~~ Thirty Dollars
8 (\$30.00) per hour per person for management or supervisory
9 personnel, computed on the basis of ~~Four Dollars and twenty-five~~
10 ~~cents (\$4.25)~~ Seven Dollars and fifty cents (\$7.50) per quarter hour
11 or fraction thereof, and shall be limited to the total amount of
12 personnel time spent in locating and retrieving documents or
13 information or reproducing or packaging and preparing documents for
14 shipment where required or requested by a government authority. If
15 itemized separately, search and processing costs may include the
16 actual cost of extracting information stored by computer in the
17 format in which it is normally produced, based on computer time and
18 necessary supplies. Personnel time for computer search may be paid
19 for only at the rate specified in this paragraph;

20 2. Reproduction costs. Reimbursement for reproduction costs
21 shall be for costs incurred in making copies of documents required
22 or requested. The rate for reproduction costs for making copies of
23 required or requested documents shall be twenty-five cents (\$0.25)
24 for each page, including copies produced by reader/printer

1 reproduction processes. Photographs, films, computer tapes and
2 other materials shall be reimbursed at actual cost;

3 3. Transportation costs. Reimbursement for transportation
4 costs shall be for necessary costs, directly incurred, to transport
5 personnel to locate and retrieve the information required or
6 requested, and necessary costs, directly incurred solely by the need
7 to convey the required or requested material to the place of
8 examination; and

9 4. Directly incurred costs. A financial institution also may
10 receive reimbursement for costs incurred solely and necessarily as a
11 consequence of searching for, reproducing or transporting books,
12 papers, records, or other data, in order to comply with legal
13 process. If a financial institution has records that are stored at
14 an independent storage facility that charges a fee to search for,
15 reproduce, or transport particular records requested, these costs
16 shall be considered to be directly incurred by the financial
17 institution.

18 SECTION 2. This act shall become effective November 1, 2010.

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1 Passed the House of Representatives the 1st day of March, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate