

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE BILL 213

By: Bice

6 COMMITTEE SUBSTITUTE

7 An Act relating to county clerks; amending 19 O.S.
8 2011, Section 245, as amended by Section 1, Chapter
9 360, O.S.L. 2013 (19 O.S. Supp. 2014, Section 245),
10 which relates to county records; stating construction
of statute relating to certain digital county
records; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 19 O.S. 2011, Section 245, as
14 amended by Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp. 2014,
15 Section 245), is amended to read as follows:

16 Section 245. A. It shall be the duty of the county clerk to
17 designate upon every account, which shall be audited and allowed by
18 the board, the amount so allowed, and the clerk shall deliver to any
19 person a copy certified or otherwise of any record in the clerk's
20 office and any account on file thereon, upon receiving the fee
21 allowed pursuant to the Oklahoma Open Records Act or the county
22 clerk fee schedule, Section 32 of Title 28 of the Oklahoma Statutes,
23 for every page contained in the copy. Upon demand, the clerk shall
24 furnish a certified copy in the form as it exists and at the

1 preference of the requestor as provided by the Oklahoma Open Records
2 Act or the county clerk fee schedule.

3 B. If the clerk ~~provides~~ possesses or maintains records in an
4 electronic format, the clerk shall make such records available to
5 the public and may charge a reasonable fee for providing such
6 records. For purposes of this section, "reasonable fee" shall mean
7 the fee being charged by the clerk as of January 1, 2013, but shall
8 not exceed twenty-five cents (\$0.25) per page or fifteen cents
9 (\$0.15) per page for providing more than three thousand five hundred
10 pages in an electronic format. All recording devices for providing
11 records in an electronic format shall be supplied by the county
12 clerk. News media obtaining records in an electronic format for a
13 news purpose and licensed abstractors performing their duties
14 pursuant to state law shall be exempt from the fees provided for in
15 this subsection. Nothing in this section shall be construed to
16 allow county clerks to provide all or part of a tract index for use
17 in any commercial purpose, nor shall this section be construed to
18 prohibit access to, and the use or dissemination of digital images
19 of other records for commercial purposes.

20 SECTION 2. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

24 55-1-1471 MJM 2/18/2016 4:34:31 PM