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April 22, 2025

ENGROSSED HOUSE
BILL NO. 2171

By: Pfeiffer and Waldron of the
House

and

Thompson of the Senate

An Act relating to unlawful land restriction; creating the Oklahoma Uniform Unlawful Restrictions in Land Records Act; defining terms; providing that a property owner may record an amendment to remove an unlawful restriction; providing requirements for an owner to file an amendment; providing for an owners association to record an amendment to remove an unlawful restriction; providing requirements for an owners association to file an amendment; providing requirements and limitations of an amendment to remove an unlawful restriction; providing form for an amendment to remove an unlawful restriction; providing duties and liability of county clerk for recording an amendment to remove an unlawful restriction; providing relation to the Electronic Signatures in Global and National Commerce Act; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 401 of Title 16, unless there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma
2 Uniform Unlawful Restrictions in Land Records Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 402 of Title 16, unless there is
5 created a duplication in numbering, reads as follows:

6 As used in this act:

7 1. "Amendment" means a document that removes an unlawful
8 restriction;

9 2. "Document" means a record recorded or eligible to be
10 recorded in land records;

11 3. "Governing instrument" means a document recorded in land
12 records that:

13 a. establishes a governing body responsible for
14 management of common areas or facilities used by more
15 than one owner of a property interest affected by the
16 document, and

17 b. requires contribution, enforceable by a lien on a
18 separate property interest, of a share of taxes,
19 insurance premiums, maintenance, or improvement of, or
20 services or other expenses for the common benefit of,
21 the real property described in the document;

22 4. "Index" means a system that enables a search for a document
23 in land records;

24

1 5. "Land records" means documents and indexes maintained by a
2 recorder;

3 6. "Owner" means a person that has a fee interest in real
4 property;

5 7. "Person" means an individual, estate, business or nonprofit
6 entity, government or governmental subdivision, agency, or
7 instrumentality, or other legal entity;

8 8. "Record", used as a noun, means information:

9 a. inscribed on a tangible medium, or

10 b. stored in an electronic or other medium and
11 retrievable in perceivable form;

12 9. "Recorder" means an officer authorized under other laws of
13 this state to accept a document for recordation in land records;

14 10. "Remove" means eliminate any apparent or purportedly
15 continuing effect on title to real property; and

16 11. "Unlawful restriction" means a prohibition, restriction,
17 covenant, or condition in a document that purports to interfere with
18 or restrict the transfer, use, or occupancy of real property:

19 a. on the basis of race, color, religion, national
20 origin, sex, familial status, disability, or other
21 personal characteristics, and

22 b. in violation of other laws of this state or federal
23 law.
24

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 403 of Title 16, unless there is
3 created a duplication in numbering, reads as follows:

4 Except with respect to property to which Section 4 of this act
5 applies, an owner of real property subject to an unlawful
6 restriction may submit to the recorder for recordation in the land
7 records an amendment to remove the unlawful restriction, but only as
8 to the owner's property.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 404 of Title 16, unless there is
11 created a duplication in numbering, reads as follows:

12 A. The governing body of an owners association identified in a
13 governing instrument may, without a vote of the members of the
14 association, amend the governing instrument to remove an unlawful
15 restriction.

16 B. A member of an owners association may request, in a record
17 that sufficiently identifies an unlawful restriction in the
18 governing instrument, that the governing body exercise its authority
19 under subsection A of this section. Not later than ninety (90) days
20 after the governing body receives the request, the governing body
21 shall determine reasonably and in good faith whether the governing
22 instrument includes the unlawful restriction. If the governing body
23 determines the governing instrument includes the unlawful
24 restriction, the governing body, not later than ninety (90) days

1 after the determination, shall amend the governing instrument to
2 remove the unlawful restriction.

3 C. Notwithstanding any provision of the governing instrument or
4 other laws of this state, the governing body may execute an
5 amendment under this section.

6 D. An amendment under this section is effective notwithstanding
7 any provision of the governing instrument or other law of this state
8 that requires a vote of the members of the owners association to
9 amend the governing instrument.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 405 of Title 16, unless there is
12 created a duplication in numbering, reads as follows:

13 A. An amendment under this act must identify the owner, the
14 real property affected, and the document containing the unlawful
15 restriction. The amendment must include a conspicuous statement in
16 substantially the following form:

17 "This amendment removes from this deed or other document
18 affecting title to real property an unlawful restriction as defined
19 under the Oklahoma Uniform Unlawful Restrictions in Land Records
20 Act. This amendment does not affect the validity or enforceability
21 of a restriction that is not an unlawful restriction."

22 B. The amendment must be executed and acknowledged in the
23 manner required for recordation of a document in the land records.
24 The amendment must be recorded with the county clerk in the county

1 in which the document containing the unlawful restriction is
2 recorded.

3 C. The amendment does not affect the validity or enforceability
4 of any restriction that is not an unlawful restriction.

5 D. The amendment or a future conveyance of the affected real
6 property is not a republication of a restriction that otherwise
7 would expire by passage of time under other law of this state.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 406 of Title 16, unless there is
10 created a duplication in numbering, reads as follows:

11 The following form may be used by an owner to make an amendment
12 under Section 3 of this act:

13 Amendment by Owner to Remove an Unlawful Restriction
14 This Amendment is recorded under the Oklahoma Uniform Unlawful
15 Restrictions in Land Records Act (the Act), by an Owner of an
16 interest in real property subject to an unlawful restriction as
17 defined under the Act.

18 (1) Name of Owner: _____

19 (2) Owner's property that is subject to the unlawful restriction is
20 described as follows:

21 Address: _____

22 Legal Description: _____

23 (3) This Amendment amends the following document:

24 Title of document being amended: _____

Recording date of document being amended: _____

Recording information (book/page or instrument number): _____

This Amendment removes from the document described in paragraph (3) all unlawful restrictions as defined under the Act. Removal of an unlawful restriction through this Amendment does not affect the validity and enforceability of any other restriction that is not an unlawful restriction as defined under the Act, at the time of filing this Amendment. This Amendment is not effective if the property is subject to a governing instrument as defined under the Act.

Owner's Signature

Date

Notary Acknowledgment: _____

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 407 of Title 16, unless there is created a duplication in numbering, reads as follows:

A. A county clerk shall record an amendment submitted under this act, add the amendment to the index, and cross-reference the amendment to the document containing the unlawful restriction.

B. A county clerk is not liable for recording an amendment under this act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 408 of Title 16, unless there is created a duplication in numbering, reads as follows:

1 This act modifies, limits, or supersedes the Electronic
2 Signatures in Global and National Commerce Act, 15 U.S.C., Section
3 7001 et seq., as amended, but does not modify, limit, or supersede
4 15 U.S.C., Section 7001(c), or authorize electronic delivery of any
5 of the notices described in 15 U.S.C., Section 7003(b).

6 SECTION 9. This act shall become effective November 1, 2025.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
8 April 22, 2025 - DO PASS
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