

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2398

 By: Russ

7 AS INTRODUCED

8 An Act relating to mortgage or lien releases;
9 amending 46 O.S. 2011, Section 15, as last amended by
10 Section 19, Chapter 210, O.S.L. 2016 (46 O.S. Supp.
11 2020, Section 15), which relates to mortgage holder
 releasing mortgage; authorizing agent of a mortgagor
 to make written requests to a holder of mortgage; and
 providing an effective date.

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

15 SECTION 1. AMENDATORY 46 O.S. 2011, Section 15, as last
16 amended by Section 19, Chapter 210, O.S.L. 2016 (46 O.S. Supp. 2020,
17 Section 15), is amended to read as follows:

18 Section 15. A. Any mortgage or lien on real estate shall be
19 released by the holder of any such mortgage or lien within thirty
20 (30) days of the payment of the debt secured by the mortgage or lien
21 and the holder of the mortgage or lien shall file the release of the
22 mortgage or lien with the county clerk where the mortgage or lien is
23 recorded. If, at the end of the thirty-day period, the holder has
24 failed to release the mortgage or lien, the mortgagor or debtor, or

1 the agent representing the mortgagor or debtor, may at any time
2 request in writing the holder of the mortgage or lien to release the
3 mortgage or lien and the holder of the mortgage or lien shall have
4 ten (10) days from the date of the request to release such mortgage
5 or lien. If the holder of the mortgage or lien fails to release the
6 mortgage or lien by the end of such ten-day period, the mortgage or
7 lien holder shall then forfeit and pay to the mortgagor or debtor a
8 penalty of one percent (1%) of the principal debt not to exceed One
9 Hundred Dollars (\$100.00) per day each day the release is not
10 recorded after the ten-day period has expired and the penalty ~~shall~~
11 may be recovered in a civil action in any court having jurisdiction
12 thereof, but the request for the release shall be in writing and
13 describe the mortgage or lien and premises with reasonable
14 certainty. Provided that, the total penalty shall not exceed one
15 hundred percent (100%) of the total principal debt.

16 B. A title insurance company or its duly appointed agent may
17 bring action on behalf of the mortgagor or debtor to recover the
18 penalty described in subsection A of this section.

19 C. For purposes of this section:

20 1. "Mortgagor" shall include any subsequent purchaser of the
21 mortgaged real estate; and

22 2. "Title insurance company" shall mean a corporation or other
23 business entity authorized and licensed to transact business of
24 insuring titles to interests in real property in this state.

1 SECTION 2. This act shall become effective November 1, 2021.

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
4 02/24/2021 - DO PASS.

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