

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1043

By: Rosino

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5  
6 AS INTRODUCED

7 An Act relating to counties and county officers;  
8 amending 19 O.S. 2011, Section 245, as amended by  
9 Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp.  
10 2017, Section 245), which relates to county clerks;  
11 modifying requirements for the assessment of certain  
12 fees for dissemination of records; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 19 O.S. 2011, Section 245, as  
16 amended by Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp. 2017,  
17 Section 245), is amended to read as follows:

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

1 furnish a certified copy in the form as it exists and at the  
2 preference of the requestor as provided by the Oklahoma Open Records  
3 Act or the county clerk fee schedule.

4 B. If the clerk provides records in an electronic format, the  
5 clerk may charge a reasonable fee for providing such records. For  
6 purposes of this section, ~~"reasonable fee"~~ counties with a  
7 population of less than seven hundred fifty thousand (750,000), a  
8 reasonable fee shall mean the fee being charged by the clerk as of  
9 January 1, 2013, but shall not exceed twenty-five cents (\$0.25) per  
10 page image or fifteen cents (\$0.15) per page image for providing  
11 more than three thousand five hundred pages images in an electronic  
12 format. For counties with a population of seven hundred fifty  
13 thousand (750,000) or more, a reasonable fee shall not exceed  
14 twenty-five cents (\$0.25) per image or Twenty-five Dollars (\$25.00)  
15 per gigabyte for providing more than one hundred (100) megabytes of  
16 records in an electronic format. All recording devices for  
17 providing records in an electronic format shall be supplied by the  
18 county clerk. News media obtaining records in an electronic format  
19 for a news purpose and licensed abstractors performing their duties  
20 pursuant to state law shall be exempt from the fees provided for in  
21 this subsection. Nothing in this section shall be construed to  
22 allow county clerks to provide all or part of a tract index for use  
23 in any commercial purpose.

1 SECTION 2. This act shall become effective November 1, 2018.

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