

# Proposed 2023 Legislation

## Impacting Oklahoma Title and Real Property Attorneys

August 4, 2022  
By Tyler K. Larsen

Deadline	Deadline Date
Deadline for Minor Redraft Request	Thursday, January 20, 2022 NLT 10:00 am
Deadline for Introduction of House Bills and Joint Resolutions	Thursday, January 21, 2022 NLT 4:00 pm
First Regular Session of the Oklahoma Legislature convenes	
Second Regular Session of the Oklahoma Legislature	Monday, February 7, 2022 12:00 Noon
Deadline for HBs/HJR's out of Subcommittee	Monday, February 15, 2022
Deadline language for SHELL BILLS to be submitted to Majority Floor Leader's Office	Thursday, February 18, 2021
Deadline for HBs/HJR's out of Standing Committee	Thursday, March 3, 2022
Deadline for Third Reading of Bills and Joint Resolutions in Chamber of Origin	Thursday, March 24, 2022
Deadline for SBs/SJR's out of Subcommittee	Monday, April 4, 2022
Deadline for SBs/SJR's out of Standing Committee (exception for SBs/SJR's in full A&B Committee)	Thursday, April 14, 2022
Deadline for SBs/SJR's out of full A&B Committee	Friday, April 22, 2022
Deadline for Third Reading of Bills and Joint Resolutions from Opposite Chamber	Thursday, April 28, 2022
Sine Die Adjournment (No Later Than 5:00 p.m.)	Friday, May 27, 2022 NLT 5:00 pm

### **CITIES AND TOWNS:**

Bill No.: HB 3570  
 Brief Title: **Cities and towns; survey and plat; applications; conformity; approval.**  
 Sponsor: McBride (House)  
 Description: Amends 11 O.S. 2021, § 41-101, relating to survey and platting for subdivisions or proposed municipality.

Status: First Reading 2/7/2022; Second Reading referred to County and Municipal Government, 2/8/2022; Referred to Rules 3/2/22. Appears to be dead.

Comment: Seeks to provide that if a plat is approved through the proper local authority that any variations and discrepancies and exemptions are considered valid unless there are no reasonably verifiable and objective facts that the variances will result in harm to the public's health, safety, or general welfare.

### **CIVIL PROCEDURE:**

Bill No.: HB 3900  
 Brief Title: **Civil procedure; default judgment.**  
 Sponsor: Kannady (House) and Howard (Senate)  
 Description: Amends 12 O.S. §2012, which relates to defenses and objections; seeks to clarify the procedure for default judgments; Amends 12 OS 2021, Section 727.1 which relates to post-judgment interests.

Status: First Reading 2/7/2022; Second Reading referred to Judiciary-Civil; 2/8/22; Passed and amended by committee 2/10/22; 3/9/22 Senate Author Howard; First Reading 3/10/22; House Votes currently stand at 88 yea, 12 excused.

Comment: Seeks to establish that a Motion for Default Judgment is not required if a defendant fails to file a response.

**PROPERTY:**

Bill No.: SB 1168  
Brief Title: **Property; authorizing use of certain contingency for real estate contracts.**  
Sponsor: Rosino (Senate) and Kannady (House)  
Description: Provides that a contract, conveyance, or exchange of real property, option to purchase real property, or a lease may include a contingency not to exceed 180 days for the purposes of securing required permits, lot changes, zoning changes, and any other land use approvals to use and operate the real property.

Status: First Reading 2/7/22; Second Reading 2/8/22; co-author Kannady joined 2/8/22; Passed Judiciary committee 2/15/22.; No Votes.

Bill No.: SB 1469  
Brief Title: **Property; prohibiting foreign ownership of land through business entity or trust.**  
Sponsor: Hamilton (Senate) and Burns (House)  
Description: Seeks to prohibit alien or non-US ownership of land in Oklahoma through a business entity or trust; Does not apply to lands now owned by aliens.

Status: First Reading 2/7/22; Second Reading 2/8/22; No Votes.

Bill No.: SB 1534  
Brief Title: **Property; prohibiting certain ownership of land; establishing Citizen Land Ownership Unit of the Attorney General**  
Sponsor: Bullard (Senate)  
Description: Amends 60 O.S. 2021, § 121. Establishes that prior to the closing of a sale or transfer of title to land, a closing company shall obtain from the person or persons authorized to enter into a contract for the land an affidavit attesting under penalty that the person or business entity is in compliance with the requirements of the act, and that no funding source being used in the sale or transfer in this section is in violation of state or federal law.

The Oklahoma Real Estate Commission shall promulgate an affidavit form to comply with the requirements of this section.

Authorizes the creation of the “Citizen Land Ownership Unit” within the office of the Attorney General to enforce the provisions of this act.

Status: First Reading 2/7/22; Second Reading 2/8/22; No Votes. No House Sponsor

Bill No.: HB 2977  
Brief Title: **Property; Oklahoma Road Maintenance Duty Disclosure and Release Act; Disclosure of duty to maintain roads prior to sale of property; release of liability.**  
Sponsor: Olsen (House) and Allen (Senate)  
Description: Creates the Oklahoma Road Maintenance Duty Disclosure and Release Act.

Comments: Establishes standards and rules relating to the disclosure of duty to maintain certain roads upon purchase of property. It requires property sellers to give notice to potential buyers that the property being sold borders public roads that are the duty of the property owner to maintain. The notice must be in writing, include a description of the location and boundaries of the portions of the roads that must be maintained, and dated and signed by the seller. In response, the buyer of the property may complete a release of liability form acknowledging the notice, which will waive any right to hold the property seller liable for future road maintenance or repair.

Status: First Reading 2/7/22; Second Reading 2/8/22; House Votes 71-20, 8 exceptions.  
Inchoate title issue for title companies and attorneys because the statute doesn't require recording of the Notice.

**PROBATE:**

Bill No.: HB 3388

Brief Title: **Probate procedure; Venue of probate acts.**

Sponsor: Moore (House)

Description: Seeks to clarify proper place of venue. Affirms Probates initiated in any improper county prior to November 24, 2020. Grants a 2-year period for challenging the validity of a final decree.

Status: First Reading 2/7/2022; Second Reading referred to Rules on 2/8/2022; No votes, No Senate sponsor.

Bill No.: HB 3389

Brief Title: **Probate procedure; Oklahoma Probate Procedure Act of 2022.**

Sponsor: Moore (House)

Description: SHELL BILL.

Status: First Reading 2/7/2022; Second Reading referred to Rules on 2/8/2022; No language has been added for interpretation.

Bill No.: HB 3528

Brief Title: **Civil procedure; Oklahoma Farmland and Wealth Preservation Act; Partition of Property; effective date.**

Sponsor: Virgin (House) and Kidd (Senate)

Description: Provides certain procedures and the administrative method for a partition suit relating to Oklahoma Farmland.

Status: First Reading 2/7/2022; Second Reading referred to Judiciary 2/8/2022; Passed the Judiciary 2/8/2022; House Votes 10 yeas, 0 nays.

Bill No.: HB 3959

Brief Title: **Probate procedure; appointing executors and administrators.**

Sponsor: Kannady (House)

Description: Amends 58 OS 2021, § 102 and 126 which relates to executors, administrators, and administrators; Removes the prohibition against an individual convicted of an infamous crime from serving as an executor.

Status: First Reading 2/7/2022; Second Reading referred to Rules on 2/8/2022; No votes and no Senate sponsor.

Bill No.: SB 1460  
Brief Title: **Probate procedure; modifying requirements for proper venue for certain actions; clarifying requirements for joinder of certain proceedings.**  
Sponsor: Howard (Senate) and Moore (House)  
Description: Seeks to clarify venue for probate venue issues.  
Comments: The Comm. Substitute for SB 1460 provides that the district court in and for the county of proper venue has exclusive jurisdiction to prove a will or to grant letters testamentary or of administration. Additionally, in all cases of administration of estates of deceased persons in this state where final decrees have been entered prior to the effective date of this act, and for which the final decrees are or may be defective or invalid for lack of jurisdiction because the administration was in a county other than the county of proper venue as prescribed by this section, such final decrees shall be deemed valid except in certain circumstances.  
Status: Senate Committee Substitute 3/1/22, Floor (Senate 3/2/22), Engrossed 3/9/22; Senate Votes 45-3;

**PROPERTY, ABSTRACTING:**

Bill No.: HB 3795  
Brief Title: **Abstracting; Oklahoma Abstracting Act of 2022.**  
Sponsor: Roberts (Sean)  
Description: An Act relating to abstracting, providing for non-codification.  
SHELL BILL.  
Status: First Reading 2/7/22; Second Reading referred to Rules 2/8/22.  
Comment: No Senate Sponsor, Appears dead.

Bill No.: HB 4255  
Brief Title: **Abstracting; Oklahoma Abstracting Act of 2022.**  
Sponsor: Hasenbeck  
Description: SHELL BILL.  
Status: First Reading 2/7/2022; Second Reading referred to Rules 2/8/22.  
Comment: Appears to be a mirror/duplicate bill of HB 3795.  
No Senate Sponsor, Appears dead.

Bill No.: SB 1609  
Brief Title: **Title to real property; eliminating certain requirements.**  
Sponsor: Treat (Senate)  
Description: Seeks to “modernize” the title insurance, recording and did not provide for any method for title work, other than shift liability to the insurance company.  
Status: First Reading 2/7/22; Second Reading referred to General Government 2/8/22  
Comments: OLTA does not support. Does not have a co-author in the Senate as of 2/18/22; Referred to Business, Commerce, and Tourism. According to OLTA Lobbyist, the bill is dead. I also visited with Lobbyist South and it is dead according to him.

**PROFESSIONS AND OCCUPATIONS:**

Bill No.: HB 3703

Brief Title: **Professions and occupations; real estate agent; sales contract.**  
Sponsor: Russ (House)  
Description: Provides that a licensed real estate agent is not bound to use any real estate association or agency standardized residential sales contract.  
Status: First Reading 2/7/22; Second Reading 2/8/22.

**TRUSTS:**

Bill No.: HB 3449  
Brief Title: **Trusts; court modification or termination of trusts.**  
Sponsor: O'Donnell (House) and Daniels (Senate)  
Description: HB3449 gives courts discretion to modify or terminate a trust created after November 1, 2022 if it determines that the value of the trust property is insufficient to justify the cost of administration or if the purpose of the trust is illegal, impossible, wasteful or impracticable to fulfill. Court approved modification may include the following actions: (1) removal or appointment of new trustees; (2) distribution of assets of a terminated trust; and (3) directing, permitting or prohibiting trustees from performing certain acts that go against the terms of the trust. The court must consider the terms and purpose of the trust, the facts and circumstances surrounding the creation of the trust and extrinsic evidence relevant to the proposed modifications in its decision making.  
Status: First Reading 2/7/22; Second Reading 2/8/22; Third Reading 3/15/22; Votes 51 yeas, 36 nays, 11 excused, Constitutional Privilege 2.

Bill No.: SB 1340  
Brief Title: **Trusts;**  
Sponsor: Hall (Senate) and Kannady (House)  
Description: Trusts: Modifying the Uniform Testamentary Additions to Trust Act; authorizing devise of property by will to certain trusts.

Comments: Creates the Uniform Testamentary Additions to Trusts Act which permits wills to validly devise property to the trustees of a trust under certain conditions. The Comm. Substitute for SB 1340 provides that a will may validly devise property to the trustee of a trust established or to be established during the testator's lifetime by the testator, by the testator and some other person, or by some other person including a funded or unfunded life insurance trust. The devise shall not be invalid because the trust is amendable or revocable, or because the trust was amended after the execution of the will or the testator's death. The Comm. Substitute provides that unless the testator's will says otherwise, property devised to a trust shall become a part of the trust to which it is devised, and shall be administered and disposed of in accordance with the provisions of the governing instrument setting forth the terms of the trust including any amendments thereto made before or after the testator's death.

Status: First Reading 2/7/22; Second Reading 2/7/22; Engrossed to House 2/22/22; First House Reading 2/22/22; Passed the Senate 48-0