

Proposed 2023 Legislation
Impacting Oklahoma Title and Real Property Attorneys

February 17, 2023

By Tyler K. Larsen

Deadline	Deadline Date
Deadline for Filing of Bills and Joint Resolutions	January 17, 2023 at 4pm
First Day of the First Regular Session of the 59th Legislature	Monday, February 06, 2023
Deadline for HBs/HJRs out of Subcommittee	Monday, February 27, 2023
Deadline for HBs/HJRs out of Standing Committee	Thursday, March 02, 2023
Deadline for Third Reading of Bills and Joint Resolutions in Chamber of Origin	Monday, April 03, 2023
Deadline for SBs/SJRs out of Subcommittee	Friday, April 07, 2023
Deadline for SBs/SJRs out of Standing Committee (exception for SBs/SJRs in full A&B Committee)	Thursday, April 17, 2023
Deadline for SBs/SJRs out of full A&B Committee	Friday, April 14, 2023
Sine Die Adjournment	May 26, 2023

CITIES AND TOWNS:

Bill No.: **HB 2089**

Brief Title: **Cities and towns; plats; subdivisions; zoning, regulations; denial of applications; basis; appeals; effective date**

Sponsor: Echols (House)

Description: Amends 11 O.S. 2021, § 43-105, which relates to amendments or changes of regulations, restrictions, and boundaries. Amends 11 O.S. 2021, 45-104 which relates to public improvements and plats of land, planning commission review, and subdivision regulations.

Status: First Reading 2/6/2023; Second Reading referred to County and Municipal Government 2/7/2023

Comment: Provides new appeals periods and procedures for plat approval. It adds additional language for recouping costs when a plat has been unreasonably denied approval.

CIVIL PROCEDURE:

Bill No.: **HB 2372**
Brief Title: **Civil procedure; default judgment.**
Sponsor: Kannady (House)
Description: Amends 12 O.S. §2012, Civil Procedure; defenses and objections; default judgement procedure; post-judgment interest; application of interest; effective date

Status: First Reading 2/6/2023; Authored by Kannady 2/6/2023; Second Reading referred to Judiciary 2/7/2023; Passed Judiciary, vote was 10-0, 2/9/2023

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

Bill No.: **SB 565**
Brief Title: **Civil procedure; establishing proper venue for certain actions. Effective Date.**
Sponsor: Hamilton (Senate)
Description: Amends 12 O.S. 2021, Section 131, which relate to venue; establishing proper venue for certain actions; and providing an effective date.

Status: First Reading 2/6/2023; Second Reading referred to Judiciary 2/7/2023.

Comment: SB 565 provides that civil actions relating to work performed on real property shall be brought in the county where the property is located or in the county where the person or entity providing the work is located.

LIENS:

Bill No.: **HB 1252 & 1253**
Brief Title: **An Act Relating to liens; enacting the Oklahoma Liens Act of 2023; providing for modification; Effective Date.**

Sponsor: McCall (House)
Description: Creates the Oklahoma Liens Act of 2023.

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023;

Comment: HB 1252 is a shell bill.

Bill No.: **HB 2038**
Brief Title: **Cities and towns; Municipal Code Lien Enforcement Act of 2023; municipal Cities and towns; Municipal Code Lien Enforcement Act of 2023; municipal code violations; municipal lien foreclosures; effective date; code violations; municipal lien foreclosures; effective date.**

Sponsor: Nichols (House)
Description: Creates the Oklahoma Liens Act of 2023.

Status: First Reading 2/6/2023; Authored by Nichols 2/6/2023; Second Reading referred to County and Municipal Government 2/7/2023.

Comment: Provides that proceedings for foreclosure of Municipal Liens may only be initiated by the municipality; provides requirements for filing a petition for judicial foreclosure. Creates new law as Section 22-145 of Title 11.

PROPERTY:

Bill No.: **SB 464**
Brief Title: **Property; prohibiting certain ownership of land through business entity or trust; creating a felony offense for certain violations**

Sponsor: Hamilton (Senate)
Description: Amends 60 O.S. 2021, Sections 121 and 122

Status: First Reading 2/6/2023; Authored by Hamilton 2/6/2023; Second Reading referred to Judiciary 2/7/2023.

Comment: SB 464 provides that any person who knowingly acquires title to land in violation of the prohibition on foreign entities directly or indirectly acquiring land in the state shall be guilty of a felony.

Bill No.: **SB 212**
Brief Title: **Property; prohibiting certain ownership of land through business entity or trust; requiring affidavit with recording deed.**

Sponsor: Bullard (Senate)
Description: Amends 60 O.S. 2021, Sections 121, 125

Status: First Reading 2/6/2023; Authored by Bullard 2/6/2023; Second Reading referred to Judiciary 2/7/2023; Withdrawn from Judiciary Committee 2/7/2023; Referred to Judiciary Committee then to Appropriations Committee 2/7/2023; Co-authored by Representative Humphrey 2/9/2023; Reported Do Pass 11-1 as amended Judiciary committee; Referred to Appropriations 2/14/2023

Comment: SB 212 requires an affidavit regarding ownership be attached to deeds. Attorney General is responsible for promulgating the form. Establishes a Citizen Land Ownership Unit to enforce the provisions of the act.

Bill No.: **SJR10**
Brief Title: **Constitutional amendment; prohibiting certain ownership of land; decreasing allowable time period for disposition of certain property.**

Sponsor: Hamilton (Senate)
Description: Amends 60 O.S. 2021, Sections 121, 125

Status: First Reading 2/6/2023; Authored by Hamilton 2/7/2023; Second Reading referred to Rules 2/7/2023

Comment: SJR10 is a joint resolution to amend Section 1 of Article XXII of the Oklahoma Constitution; prohibiting certain ownership of land through business entity or trust; decreases the allowable time to dispose of certain property; modifies the exception to certain ownership requirements.

Bill No.: **SB 298**

Brief Title: **Transfer-on-death Deeds; clarifying ability of grantee beneficiary to accept certain property.**

Sponsor: Howard (Senate)

Description: Amends 60 O.S. 2021, Sections 1252

Status: First Reading 2/6/2023; Authored by Howard 2/6/2023; Second Reading referred to Judiciary 2/7/2023; Reported Do Pass Judiciary Committee 10-0 2/7/2023

Comment: SB0298, by Sen. Brent Howard, R-Altus, only allows designated grantee beneficiaries to accept real estate in a transfer-on-death on behalf of themselves or a legal entity over which they have a proper authority, and sets that one or more, but not all named beneficiaries of a transfer-on-death deed must explicitly accept the interests being conveyed by the deed on behalf of all or some of the named beneficiaries

Bill No.: **HB 2361**

Brief Title: **Abandoning property; counties; municipalities; property bid off; Effective date.**

Sponsor: Boles (House); Lawson (House); Senator Garvin (Senate)

Description: Amends 60 O.S. 2021, Sections 1252

Status: First Reading 2/6/2023; Authored by Howard 2/6/2023; Second Reading referred to County Municipal Government Committee 2/7/2023; Reported Do Pass Judiciary County and Municipal Government Committee 2/13/2023; Authored by Senator Garvin 2/13/2023

Comment: Amends 68 OS 2021, Section 3129; Modifies the bidding process, establishes that there must be a reserve minimum bid covering all taxes, abatement costs, penalties, interest, costs due to a municipality.

Bill No.: **HB 1224**

Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; Effective date.**

Sponsor: McCall (House)

Description: Amends 60 O.S. 2021, Sections 1252

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Shell Bill. Seeks to create the “Oklahoma Abstracting Act of 2023.”

Bill No.: **HB 1226**

Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; Effective date.**

Sponsor: McCall (House)

Description: Amends 60 O.S. 2021, Sections 1252

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Shell Bill. Seeks to create the “Oklahoma Abstracting Act of 2023.”

Bill No.: **HB 1562**

Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; Effective date.**

Sponsor: Moore (House)

Description: Amends 60 O.S. 2021, Sections 1252

Status: First Reading 2/6/2023; Authored by Moore 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Shell Bill. Seeks to create the “Oklahoma Abstracting Act of 2023.”

Bill No.: **HB 1666**

Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; Effective date.**

Sponsor: McEntire (House)

Description: Amends 60 O.S. 2021, Sections 1252

Status: First Reading 2/6/2023; Authored by McEntire 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Shell Bill. Seeks to create the “Oklahoma Abstracting Act of 2023.”

Bill No.: **SB 160**

Brief Title: **Oklahoma Abstractors Board; extending sunset date. Effective date. Emergency.**

Sponsor: Daniels (Senator)

Description: Amends 1 OS 2021, Section 22

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Places a time limit on the Oklahoma Abstractors Board, i.e. the Board Continues until July 1, 2025; Cross-references the Oklahoma Abstractors Act.

Bill No.: **SB 979**
Brief Title: **Abstracting; modifying requirements under the Oklahoma Abstractors Act; providing exception for determination of unnecessary delay; providing exception for determination of unnecessary delay; increasing certain civil penalties. Effective date.**
Sponsor: Howard (Senator); McEntire (House); Bullard (Senate)
Description: Amends 1 OS 2021, Sections 21, 32, 35, 36, 41, and 43, which relate to the Oklahoma Abstractors Act.
Status: First Reading 2/6/2023; Authored by Howard 2/6/2023; Co-Authored by McEntire (House 2/7/2023; Second Reading referred to Business and Commerce 2/7/2023; Co-Authored by Bullard (Senate) 2/8/2023; Reported does Pass Business and Commerce Committee 2/13/2023
Comment: SB 979, seeks to clarify the process for determination of unnecessary delay, time frames for delivery of abstracts or insurance policies upon written request. Creates a duty on abstractors to notify the Board of the inability to comply with the requirements of the statute within 5 business days of the receipt of an order. Defines “Extenuating Circumstances.” These are include but are not limited to the typical items such as fire, tornado, pandemic, death, or receipt of a “large” multiple tract order such as an energy related project.

Bill No.: **SB 456**
Brief Title: **Acquisition of property; removing manner in which to confer title. Effective date.**
Sponsor: Burns (Senator)
Description: Amends 60 OS 2021, Section 332, which relates to title by occupancy; removing way to confer title; repealing 60 IS 2021, Section 333, which relates to title by prescription.
Status: First Reading 2/6/2023; Authored by Burns 2/7/2023; Co-Authored by Bergstrom and Jett 2/6/2023; Second Ready referred to Judiciary 2/7/2023; Co-Authored by Rogers 2/14/2023.
Comment: Removes the word “Prescription” from Section 332, and repeals 60 OS 2021, Section 333.

Bill No.: **HB 1238 & 1239**
Brief Title: **Conveyances; Oklahoma Conveyances Act of 2023; Effective date.**
Sponsor: McCall (House)
Description: An act relating to conveyances; enacting the Oklahoma Conveyances Act of 2023; providing non-codification; and providing an effective date.
Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Shell Bill; Creates the “Oklahoma Conveyances Act of 2023.”

Bill No.: **HB 2288**

Brief Title: **Conveyances; discriminatory restrictions; prohibitions; civil procedure; action to remove discriminatory restrictions; Effective date.**

Sponsor: Pfeiffer (House)

Description: An Act relating to conveyances; defining discriminatory restriction; prohibiting discriminatory restrictions in real estate transactions; providing discriminatory restrictions are unenforceable; providing that a court, upon petition, may order the removal of discriminatory provisions from recorded conveyances or instruments; providing for codification.

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Creates a new section of law to be codified as 12 OS 1149. Provides for when an instrument contains a discriminatory provision and a court determines that the provision is discriminatory, the court shall issue an order declaring the provision to be null and void and shall order the office of the county clerk of the county in which the real property is located to remove the discriminatory provision from the recorded real estate transaction, conveyance or instrument.

Bill No.: **HB 1254, 1255, & 1944**

Brief Title: **Mortgages; Oklahoma Mortgages Act of 2023; Effective date.**

Sponsor: McCall (House)

Description: An Act relating to mortgages; enacting the Oklahoma Mortgages Act of 2023; providing for non-codification; and providing an effective date.

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023.

Comment: Shell Bills

Bill No.: **SB 562**

Brief Title: **Documentary tax stamp; providing disclosure requirements. Effective date.**

Sponsor: Howard (Senate); Martinez (House)

Description: An Act relating to documentary tax stamp; amending 68 O.S. 2021, Section 3202, which relates to exemptions; requiring submission of certain documents as required by the county clerk; and providing an effective date.

Status: First Reading 2/6/2023; Authored by Howard 2/6/2023; Second Reading referred to Finance 2/7/2023; Co-Authored by Martinez 2/14/2023.

Comment: Provides that an entity claiming documentary stamp tax exemption must provide to the county clerk documentation to verify eligibility for the exception.

Affidavits of documentary stamp tax exemptions must be signed under penalty of perjury.

Bill No.: **SB 592**

Brief Title: **Documentary tax stamp; providing disclosure requirements. Effective date.**

Sponsor: **Howard (Senate); Martinez (House)**

Description: An Act relating to documentary tax stamp; amending 68 O.S. 2021, Section 3206, which relates to offense; modifying certain penalty amounts; clarifying statutory language; and providing an effective date.

Status: First Reading 2/6/2023; Authored by Howard 2/6/2023; Second Reading referred to Finance 2/7/2023; Co-Authored by Martinez 2/14/2023.

Comment: Increases the penalties for failure to comply with documentary stamp taxes statutes.

Bill No.: **HB 1262 & 1263**

Brief Title: **Probate procedure; Oklahoma Probate Procedure Act of 2023; Effective date**

Sponsor: **McCall (House)**

Description: An Act relating to probate procedure; enacting the Oklahoma Probate Procedure Act of 2023; providing for non-codification; and providing an effective date.

Status: First Reading 2/6/2023; Authored by McCall 2/7/2023; Second Reading referred to Rules 2/7/2023

Comment: Shells bills; identical language.