

Proposed 2023 Legislation

Impacting Oklahoma Title and Real Property Attorneys

August 8, 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; Passed County and Municipal Government Committee 5-0 vote, 2/27/2023; 2nd reading referred to rules 3/29/2023

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); Howard (Senate)
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; General Order 3/9/2023; Authored by Senator Howard 3/9/2023; Third Reading, Passed 91-0 3/9/2023; Referred for engrossment 3/9/2023; Engrossed, signed to Senate 3/9/2023; First Reading 3/13/2023; Passed Judiciary 4/11/2023; Title Stricken by Senate 4/11/2023

Comment: Seeks to establish that a Motion for Default Judgment is not required if a defendant fails to file a response. Bill has no movement.

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, §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; Passed Criminal Justice and Corrections Committee 3/1/2023

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. Bill has no movement.

Bill No.: **HB 1588**

Brief Title: **Civil procedure; establishing proper venue for certain actions. Effective Date.**

Sponsor: Grego (House); Howard (house)

Description: Amends 12 O.S. 2021, §93, which relates to the statute of limitations for real property

Status: First Reading 2/6/2023; Second Reading referred to Criminal Justice and corrections 2/7/2023; Passed Criminal Justice and Corrections 3/1/2023

Comment: HB 1588 seeks to reduce the time frame for adverse possession from 15 years to 5 years. It sets a date for actions, pre-effective date fact patterns and post-effective date fact patterns. No criminal provisions were added, which leads the author of the report to conclude that the bill will die in committee.

Bill has no movement.

Liens:

Bill No.: **HB 1252 and 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: Both Bills are shells bills and have had no movement.

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; Passed County and Municipal Government Committee 2/20/2023; Engrossed to Senate 3/23/2023; Second reading referred to General Government Comment 3/30/2023

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 Sections 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, §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. Appears dead.

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); Burns (Senate); Humphrey (House); Stephens (Senate); Jett (Senate); Woods (Senate); Wolfley (Rep)

Description: Amends 60 O.S. 2021, §121 and §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; Passed Judiciary Committee 11-1 vote, 2/14/2023; Title Stricken 2/14/2023; Referred to Appropriation 2/20/2023; Passed

3/8/2023; Referred for engrossment 3/8/2023; Engrossed to House 3/9/2023; First Reading 3/9/2023; Passed Business and Commerce Committee 4/5/2023; Title restored 4/5/2023; Untimely Amendment by Humphrey 4/25/2023; referred for engrossment 4/26/2023; Engrossed 4/27/2023; Passed, 5/22/2023 Approved 6/6/2023

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 Section 1 of Article XXII

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.

Appears Dead. No Movement as of 5/19/2023

Bill No.: SB 298

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

Sponsor: Howard (Senate); Moore (House)

Description: Amends 58 O.S. 2021, §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; Co-author 2/20/2023; Measured Passed 3/2/2023; Referred for Engrossment 3/2/2023; First Reading 3/6/2023; Sent to Governor 4/20/2023; Approved by Governor 4/26/2023

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 has been signed into law.

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, §3129;

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 2/13/2013; Authored by Senator Garvin 2/13/2023

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

Bill No.: **HB 1225**
Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; effective date.**
Sponsor: McCall (House)
Description: Seeks to create the "Oklahoma Abstracting Act of 2023."

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

Comment: Shell Bill.

Bill No.: **HB 1226**
Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; effective date.**
Sponsor: McCall (House)
Description: Seeks to create the "Oklahoma Abstracting Act of 2023."

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

Comment: Shell Bill.

Bill No.: **HB 1562**
Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; effective date.**
Sponsor: Moore (House)
Description: Seeks to create the "Oklahoma Abstracting Act of 2023."

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

Comment: Shell Bill.

Bill No.: **HB 1666**
Brief Title: **Abstracting; Oklahoma Abstracting Act of 2023; effective date.**
Sponsor: McEntire (House)
Description: Seeks to create the "Oklahoma Abstracting Act of 2023."

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

Comment: Shell Bill.

Bill No.: SB 160

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

Sponsor: Daniels (Senator); Kendrix (House)

Description: Amends 1 OS 2021, §22

Status: First Reading 2/6/2023; Authored by McCall 2/6/2023; Second Reading referred to Rules 2/7/2023; Measure and Emergency passed 45-1 2/23/2023; referred for engrossment 2/22/2023; Engrossed to House 2/23/2023; First Reading 2/23/2023; Engrossed to House 2/27/2023; First Reading 2/27/2023; Referred to Administrative Rules Committee 3/29/2023.

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; Coauthored by McEntire (House 2/7/2023; Second Reading referred to Business and Commerce 2/7/2023; Coauthored by Bullard (Senate) 2/8/2023; Reported Do Pass Business and Commerce Committee 2/13/2023; Engrossed to House 2/23/2023; First Reading 2/23/2023; Engrossed to House 2/27/2023; First Reading 2/27/2023; 2nd reading referred to Business and Commerce Committee 3/29/2023; Passed Business and Commerce Committee 4/13/2023

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) Bergstrom (Senator) Jett (Senator) Rogers (Senator)

Description: Amends 60 OS 2021, S§332, which relates to title by occupancy; removing way to confer title; repealing 60 OS 2021, §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; Coauthored by Rogers 2/14/2023.

Comment: Removes the word "Prescription" from Section 332, and repeals 60 OS 2021, Section 333.

Bill No.: **HB 1238 and 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 Bills; Create 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) Howard (Senator)

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.; Pass by committee 3/6/2023; Co-authored by Rep Pae 3/6/2023; Second reading referred to Judiciary 3/30/2023; Passed Judiciary Committee 4/4/2023; House Floor Amendment 4/18/2023; Sent to Governor for signing 5/17/2023

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; and 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 Hwoard2/6/2023; Second Reading referred to Finance 2/7/2023; Coauthored by Martinez 2/14/2023; Reported Passed Finance Committee 2/20/2023; General Order 2/28/2023; Measure Passed 47-0 2/28/2023; Referred for engrossment; Engrossed to House 3/1/2023; First Reading 3/1/2023; Second Reading referred to Appropriations and Budget 3/29/2023

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 Hwoard2/6/2023; Second Reading referred to Finance 2/7/2023; Coauthored by Martinez 2/14/2023; Report Passed Finance Committee 2/20/2023; Referred for engrossment 3/6/2023; Engrossed to House 3/6/2023

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

Bill No.: HB 1262 and 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.