

OKLAHOMA STATUTES  
TITLE 67. RECORDS

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§67-1. Petition to restore record by certified copy.

Whenever the record of any judgment or decree, or other proceeding, of any court of this state, or any part of the record of any judicial proceeding or any other public records, shall have been lost or destroyed, any person interested therein may, on application by petition in writing, under oath, to the proper court of the county wherein the records were kept, on showing, to the satisfaction of such court, that the same has been lost or destroyed without fault or neglect of the person making such application, obtain on order from such court, authorizing such defect to be supplied by a duly certified copy of such original record, where the same can be obtained; which certified copy shall, thereafter, have the same effect as such original record would have had, in all respects. R.L. 1910, § 7267.

§67-2. What necessary when certified copies cannot be had.

Whenever the loss or destruction of any such record or part thereof shall have happened, and such defect cannot be supplied, as provided in the next preceding section, any person interested therein may make a written application to the proper court of the county wherein the records were kept, verified by affidavit, showing the loss or destruction thereof; that certified copies thereof cannot be obtained by the person making such application; the substance of the record so lost or destroyed; that such loss or destruction occurred without the fault or neglect of the person making such application, and that the loss or destruction of such record, unless supplied, will or may result in damage to the person making such application; and thereupon said court shall cause said application to be entered of record in said court, and due notice of said application shall be given that said application will be heard by said court. And if, upon such hearing, said court shall be satisfied that the statements contained in said written application are true, said court shall make an order, reciting the substance and effect of said lost or destroyed record; which order shall be entered of record in said court, and have the same effect which said original record would have had if the same had not been lost or destroyed, so far as concerns the person making such application, and the persons who shall have been notified, as provided in this section. The record, in all cases where the proceeding was in rem, and no personal service was had, may be supplied upon like notice, as nearly as may be, as in the original

proceeding. The court in which the application is pending may, in all cases in which publication is required, direct, by order, to be entered of record, the form of the notice, and designate the newspaper in which the same shall be published.

R.L. 1910, § 7268.

§67-3. Restoration of lost probate records.

In case of the destruction by fire or otherwise of the records, or any part thereof, of any district court, the judge of such court may proceed upon his own motion, or upon application in writing of any party in interest, to restore the records, papers and proceedings of his court relating to the estate of deceased persons, including recorded wills and wills probated or filed for probate in said court; and for the purpose of restoring said records, wills, papers or proceedings, or any part thereof, may cause citations to be issued to any and all parties to be designated by him, and may compel the attendance in court of any witnesses whose testimony may be necessary to the establishment of any such record or part thereof, and the production of any and all written or documentary evidence which may be by him deemed necessary in determining the true import and effect of the original record, will, paper or other document belonging to the files of said court; and may make such orders and decrees establishing said original record, will, paper, document or proceeding, or the substance thereof, as to him shall seem just and proper; and such judge may make all such rules and regulations governing the said proceedings for the restoration of the record, will, paper, document or proceeding pertaining to said court, as in his judgment will best secure the rights and protect the interests of all parties concerned.

R.L. 1910, § 7269.

§67-4. Restoration from Supreme Court files.

In all causes which have been removed to the Supreme Court the record whereof in the lower court shall have been lost or destroyed, a duly certified copy of the record of such cause remaining in the said Supreme Court may be filed in the court from which said cause was removed, on motion of any person interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed.

R.L. 1910, § 7270.

§67-11. County records destroyed replaced by other records.

Whenever it shall appear that the records, or any material part thereof, of any county in this state have been destroyed by fire or otherwise, any map, plat, deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing affecting real estate in such county, which has been heretofore recorded, or certified copies

thereof, may be recorded in the place of such county records; and in recording the same the register of deeds shall record the certificate of the previous record, and the date of filing for record appearing in said original certificate so recorded shall be deemed and taken as the date of the record thereof. And copies of any such record, so authorized to be made under this section, duly certified by the register of deeds of any such county, under his seal of office, shall be received in evidence, and have the same force and effect as certified copies of the original record.

R.L. 1910, § 7271.

§67-12. County clerk authorized to rerecord without expense.

The county clerk of any county, as ex officio register of deeds, is hereby authorized and directed to receive for record and to record any deed, mortgage or other instrument entitled to record; provided, that said rerecording of any such instrument shall be made by said county clerk without expense to the person furnishing and submitting said instrument for rerecording.

Added by Laws 1915, S.J.R. No. 37, § 1.

§67-13. Recording of certified copies of records of another county.

In any county of this state where the records have been burned or destroyed, as specified in the last section, and any map, plat, deed, conveyance, contract, mortgage, deed of trust or other instrument in writing affecting real estate in such county, has been recorded in any other county of this state, certified copies of the same, may be recorded in such county, where the records have been so burned or destroyed, and in recording the same the register of deeds shall record all certificates attached thereto: and if any of such certificates show the previous recording of the same in the county where the records have been burned or destroyed, the date of filing for record in such county appearing in said certificate so recorded shall be deemed and taken as the date of the record thereof. And copies of any such record, so authorized to be made under this section, duly certified by the register of deeds of any such county, under his seal of office, shall be received in evidence, and have the same force and effect as certified copies of the original record.

R.L. 1910, § 7272.

§67-14. County record supplied by court records.

Whenever in any court of record in this state, or any other state, or in any court of the United States, there are original or certified copies of any deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing affecting real estate in any county where the records have been so burned or destroyed, copies thereof, certified by the clerk of such court, under his seal of office, may be made and recorded in such county, and in recording the

same the register of deeds shall record all the certificates attached thereto; and if any of such certificates show the previous recording of the same in the county where the records have been so burned or destroyed, the date of filing for record in such county appearing in said certificate so recorded shall be deemed and taken as the date of the record thereof. Copies of any such record, so authorized to be made under this section, duly certified by the register of deeds of any such county, under his seal of office, shall be received in evidence, and have the same force and effect as certified copies of the original record.

R.L. 1910, § 7273.

§67-15. Restoration of plat or map.

Whenever the public record of any plat or map, which is required by law to be kept by the register of deeds, has been lost, injured or destroyed by fire or otherwise, it shall be the duty of the district attorney of the county in which such injury, loss or destruction has occurred, forthwith to file in the district court an information setting forth substantially the fact of such injury, loss or destruction, with the circumstances attending the same, as near as may be; and thereupon the clerk of such court shall cause such information to be published in full in one or more newspapers published in such county, for the period of four (4) weeks, together with a notice, addressed to "All whom it may concern," that the court will, at a term therein designated, to be held not less than four (4) weeks from the first publication of such information and notice, proceed to hear and determine the matters in said information set forth, and will take testimony for the purpose of reproducing and reestablishing such records of maps and plats as the court shall find to be injured, lost or destroyed.

R.L. 1910, § 7274.

§67-16. Hearing - Filing and recording.

Upon such publication being made, all persons interested shall be deemed defendants, and may appear in person or by counsel, and be heard touching such proceedings. If the court shall be satisfied that any public record of maps and plats has been injured, lost or destroyed, an order to that effect shall be entered of record, and thereupon the court shall proceed to take testimony for the purpose or reproducing and reestablishing the record so injured, lost or destroyed. The proceedings may be continued from time to time, whether in term or not, and orders and decrees shall be made as to each map or plat separately. The clerk shall cause all maps and plats adjudged by the court to be correct copies of the records injured, lost or destroyed, as often and as soon as they are so adjudged, to be filed in the office of the register of deeds, with a certified copy of the order or judgment of the court in the premises

attached thereto, and recorded in a book to be provided for that purpose. And the said record shall be deemed and taken in all courts and places as a public record, and as a true and correct reproduction of the original record so injured, lost or destroyed.

R.L. 1910, § 7275.

§67-17. Costs to be taxed against county.

All costs and expenses incurred in the proceeding under the last preceding section, including copies of maps and plats and recording the same, shall be taxed as costs against the county in which such proceedings are had.

R.L. 1910, § 7276.

§67-18. Duty of county commissioners in restoring records.

Whenever it shall appear that the records or any material part thereof, of any county in this state, have been lost or destroyed by fire or otherwise so that a connected chain of title cannot be deduced therefrom, and are of record in any other county, or in any office maintained by the state or by the United States for recording and filing instruments, pertaining to or in any wise affecting the title, boundary or description of property situated within such county, then it shall be the duty of the board of county commissioners of such county, immediately to employ some responsible and experienced firm or person to transcribe or copy any part of the records, deeds, patents, certificates, maps, plats, field notes or files, from the records or files of such other county, or of any office maintained by the state or by the United States for recording and filing instruments pertaining to or in any wise affecting the title, boundary or description of property situated within the bounds of that county; and such copies or transcripts, when duly certified to by the persons employed, or officer in charge of such records shall become a part of the records in the register of deeds office of such county; and the record so made shall have the same force and effect as the record of the originals of such instruments, and the board of county commissioners shall approve, accept, and pay for the same as they are completed and delivered. The person or firm employed to do such copying or transcribing shall give the county a bond similar to bonds given by abstractors, in the sum of Five Thousand Dollars (\$5,000.00).

R.L. 1910, § 7277.

§67-19. Procuring documents or copies.

It shall be the duty of the county commissioners of such county, to procure from the United States authorities and the state or county authorities, or elsewhere, all such maps, tracts, and books, or official or properly authenticated copies thereof as relate to any of the lands in such county, and cause the same to be recorded in the

office of the register of deeds of such county, at a fee not exceeding the actual cost of clerical work necessary for properly recording same.

R.L. 1910, § 7278.

§67-20. Restoration of records by means of abstracts.

It shall be the duty of the judge of the county court, or the judge of the district court of any county in this state, in which any public records have been lost or destroyed to examine into the state of the records in such county, and in case he finds any abstracts, copies, minutes or extracts from said records existing after such destruction as aforesaid, and finds that said abstracts, copies, minutes or extracts were fairly made before the destruction of the records by any person, in the ordinary course of business, and that they contain a material and substantial part of said records, and, that such abstracts, copies, minutes and extracts tend to show a connected chain of title to the land in said county, the said judge shall certify the facts found by him in respect to such abstracts, copies, minutes and extracts, and said judge, shall cause all evidence produced as to said abstract books to be reduced to writing, and shall cause all such evidence to be spread of record, as a part of the order of said court.

R.L. 1910, § 7279.

§67-21. Abstract records may be purchased.

Upon filing of a certificate of such county or district judge with the clerk of the county, the county commissioners may, with the approval of the judge of the county or district court, of the county purchase from the owners thereof such abstracts, copies, minutes or extracts, or such part thereof as may tend to show a connected chain of title to the land in such county, including all such judgments and decrees as form a part of any such chain of title, paying therefor such fair and reasonable price as may be agreed upon between them and such owners; the amount thus agreed to be paid for such abstracts, copies, minutes or extracts shall be paid by such county in money or in bonds, to be issued by said county as the county commissioners may determine, or such county commissioners may, with said approval, procure a copy of said abstracts, copies, minutes and extracts, instead of the original, to be paid for in like manner.

R.L. 1910, § 7280.

§67-22. Abstractor may petition.

Any owner of said abstracts, copies or minutes shall have the right to file a petition at any regular term of the county or district court of the county, in which petition he shall set forth the manner in which such abstracts, copies or minutes were made or procured, and if the court shall find from the evidence produced



(which evidence shall be preserved as hereinbefore provided) that said abstracts, copies, or minutes were fairly made in the regular course of business before such destruction of the records, the court shall enter his decree to that effect, and the evidence produced on the trial of said cause shall be entered of record at large as a part of the decree of the court. And thereupon said abstracts, copies or minutes of said burnt records shall be taken as prima facie evidence of all such matters as they contain (but no such abstract, copies, minutes or extracts shall be taken or held to be prima facie evidence of what they contain that does not purport to recite all deeds and mortgages previously executed and recorded, and describing the several tracts of land and town lots to which said abstracts, copies, minutes or extracts refer from the date of entry): Provided, that all abstracts to separate tracts of lands made by the owner of said abstracts shall also be taken as prima facie evidence of what they contain when they shall be accompanied with an affidavit signed and sworn to by the owner of said abstracts, copies, minutes or extracts, showing that said separate abstracts contain a full, true and perfect copy of all transfers on the tracts set forth in said separate abstracts as appears upon said abstracts, copies, minutes or extracts, as established by the county or district court of the county, and that said separate abstracts contain all deeds, mortgages and other liens on said separate tracts, as shown by said abstracts, copies, minutes or extracts established as aforesaid.  
R.L. 1910, § 7281.

§67-23. Effect of record of abstracts.

Said abstracts, copies, minutes and extracts, or said copies thereof, if so bought as aforesaid, shall thereupon be placed in the office of the register of deeds of such county, to be copied, and arranged in such form as the county commissioners shall deem best for the public interest, and in case the originals have been lost or destroyed, or are not in the power of the party asking to use the same on any trial or other proceeding, copies of the same or any part thereof, duly certified by the register of deeds of such county, shall be admissible as evidence in all the courts in this state.  
R.L. 1910, § 7282.

§67-24. County clerk to furnish copies - Compensation.

It shall be the duty of the register of deeds of such county to furnish to any parties requesting it (upon being paid the charges herein provided for) certified copies of the same, or parts thereof; and for the purpose of repaying the cost of the same to the county, the county commissioners may fix a compensation, to be paid to the county, in addition to the fees allowed by law to the register of deeds for transcribing the same.  
R.L. 1910, § 7283.

§67-25. Prima facie evidence.

In all causes in which any abstracts, copies, minutes and extracts, or copies thereof, shall be received in evidence under any of the provisions of this article, all deeds or other instruments of writing appearing thereby to have been executed by any person, shall be presumed to have been executed and acknowledged according to law; and all sales under powers, and all judgments, decrees and legal proceedings, and all sales thereunder shall be presumed to be regular and correct, except as against the persons in this section before mentioned, and any person alleging any defect or irregularity in any such conveyance, acknowledgment, sale, judgment, decree or legal proceeding shall be held bound to prove the same, and any deed proved under the provisions of this article, purporting to be based upon the execution of any power or upon a judgment or decree shall be prima facie evidence of the existence of such power, judgment or decree: Provided, that nothing herein contained shall impair the effect of said destroyed record or notice.

R.L. 1910, § 7284.

§67-41. Power of courts after destruction of records.

In case of such destruction of records, as aforesaid, any and all courts in such county having jurisdiction shall have power to inquire into the condition of any title to or interest in any land in such county, and to make all such orders, judgments and decrees as may be necessary to determine and establish said title or interest legal or equitable, against all persons known or unknown, and all liens existing on such land, whether by statute, judgment, mortgage, deed of trust or otherwise.

R.L. 1910, § 7285.

§67-42. Owner of lands may petition for confirmation of title.

It shall be lawful for any person claiming title to any lands in such county at the time of the destruction of such records, and for all claiming under any such person, to file a petition in the district court in such county, praying for a decree establishing and confirming his said title. Any number of parcels of land may be included in one petition, or separate petitions may be filed, as the petitioner may elect. Said petition shall state clearly the description of said lands, the character and extent of the estate claimed by the petitioner, and from whom, and when, and by what mode he derived his title thereto. It shall give the names of all persons owning or claiming any estate in fee in said lands, or any part thereof, and also all persons in possession of said lands, or any part thereof, and also all persons to whom any such lands shall have been conveyed, and the deeds of such conveyances recorded in the office of the register of deeds of such county, since the time of the

destruction of such records as aforesaid, and prior to the time of filing of such petition, and their residences, so far as the same are known to said petitioner; and if no such persons are known to said petitioner, it shall be so stated in said petition. All persons so named in said petition shall be made defendants, and shall be notified of said suit by summons, if residents of this state, in the same manner as required in civil proceedings by the laws of this state: Provided, that the notice specified in Sections 7287 and 7288 shall be the only publication notice required, either in case of residents, nonresidents or otherwise; all other persons shall be deemed and taken as defendants, by the name or designation of "All whom it may concern". Said petition shall be verified by the affidavit of the petitioner, or by the agent of said petitioner; and any party so swearing falsely shall be deemed guilty of perjury and punished accordingly and shall be liable in damages to any person injured by such false statement, to be recovered in an action on the case in any court having jurisdiction thereof.

R.L. 1910, § 7286.

§67-43. Record and notice.

It shall be the duty of the clerk of the court in which said petition is filed, to enter, in a separate book to be kept for the purpose, the names of the petitioners and defendants, the date of filing said petition, and a description of all the lands included therein, which record shall be at all times open to the public. All lands in each separate town, addition, section or subdivision shall be entered on the same page or consecutive pages, with an index to said book showing on what page any such separate town, addition, section or subdivision may be found. Said clerk shall also, in all cases, cause publication of notice to be made of the filing of said petition, which notice shall be entitled "Land Title Notice", and shall be substantially as follows:

A. B. C. D. etc. (here giving the names of all known defendants, if any), and to all whom it may concern:

Take notice \_\_\_\_\_ that on the \_\_\_\_ day of \_\_\_\_\_, A. D., 19\_\_\_\_, a petition was filed by the undersigned in the \_\_\_\_\_ court of \_\_\_\_\_ county, to establish his title to the following described lands (here insert a full description of the lands in said petition). Now, unless you appear at the \_\_\_\_\_ term of said court (naming the first term after thirty days from the first insertion of said notice), and show cause against such application: said petition shall be taken for confessed, and the title or interest of said petitioner will be decreed and established according to the prayer of said petition, and you forever barred from disputing the same.

\_\_\_\_\_,  
Petitioner.

R.L. 1910, § 7287.

§67-44. Publication of notice.

Said notice shall be published once a week for four (4) weeks successively, the first insertion to be at least thirty (30) days prior to said term of court, and the several publications shall all be in the same newspaper in said county or if there is no newspaper published in said county, then in a newspaper published in one of the counties nearest thereto. The clerk of court wherein the petition was filed, shall advertise for bids for publishing said notices (said advertisement to be inserted one (1) week in at least two of the principal newspapers in such county or the adjoining counties, to be selected by the judge of the district court in said county), and the publishing of said notices shall thereupon be awarded by said judge to the newspaper making the lowest bid therefor; or if there are two or more making the same bid, then said judge shall determine to which of them said publishing shall be awarded, said award to be by order of said court entered of record therein; and a copy of such order, certified by the clerk of said court under the said seal thereof, shall be transmitted to and entered of record in any other court in such county having jurisdiction before which proceedings under this section may be had. All publications provided for in this section shall be made in the newspaper so designated. Said newspaper shall not be changed unless the judge of said court shall, for good cause, in his discretion, decide to change the same; in which case another paper shall be selected in like manner, and the order naming or changing said paper shall be entered of record, as aforesaid.

R.L. 1910, § 7288.

§67-45. Opposition to petition.

Any person interested may oppose any such petition, and file his demurrer or answer thereto on or before the third day of the term of court named in said publication notice, unless the time be extended by order of court, and may also file a cross petition if he or she desires to do so. Said answer shall admit, confess and avoid, or deny all the material allegations of the petition, and shall, except when made by guardian ad litem, be verified by the affidavit either of the respondent or his agent, in the same manner as above required in cases of the petition. Said answer shall have no other or greater weight as evidence than the petition.

R.L. 1910, § 7289.

§67-46. Proceedings on hearing.

If no demurrer or other pleading or answer shall, be filed by the third day of said term, or by the day allowed by the order of said court, as above provided, the petition may be taken as confessed, and a decree entered according to the prayer of said petition, upon proof of the facts stated in said petition, but if any person shall file an

answer, as aforesaid, to such petition, the court may hear evidence, or order a reference to a referee or special commissioner to take evidence and report, when the same proceedings shall be had as on a reference to a referee or special commissioner under and according to the practice in the courts of this state. If the petition included more than one parcel of land, and no demurrer or answer shall be filed as to some of said parcels the court may enter a decree pro confesso as to those parcels as to which no demurrer or answer shall be filed, and hear evidence, or order a reference as to the remaining parcels.

R.L. 1910, § 7290.

§67-47. Court to determine title - Liens not affected.

It shall be competent for said courts in all such decrees, whether pro confesso or on the report of any referee or special commissioner, or otherwise, to determine and decree in whom the title in any or all of the lands described in said petition is vested, whether in the petitioner or in any other of the parties before the court; but said decree shall not in any wise affect any lien or liens to which said fee may be subject, and which have been created since the destruction of such records, whether the same be by mortgage, deed of trust, judgment, statute, mechanics' lien or otherwise, but shall leave all such liens to be ascertained or established in some other proceeding, or to be enforced as the parties holding them may see fit.

R.L. 1910, § 7291.

§67-48. Decree conclusive - Except when.

Said decree of court, when entered, shall be binding and conclusive: Provided, that any decree shall be subject to be opened, modified, vacated or set aside on appeal sued within two (2) years after the entry of such decree: Provided, further, that insane persons and minors shall have two (2) years after their disabilities are removed to prosecute a writ of error upon said decree: And provided, further, that any decree entered upon any petition or cross petition, which does not make defendant, by name, all persons who shall be in possession of such lands or part thereof, at the time of the filing of such petition, or which does not make defendant, by name, all persons to whom any such lands shall have been conveyed, and whose deeds of conveyance shall have been recorded in the office of the register of deeds of such county since the time of the destruction of the records, as aforesaid, and prior to the time of the filing of any such petition, shall be absolutely void as to such person omitted, but shall be final and conclusive as to all others: And provided, further, that all defendants who shall not be actually served with a summons in the suit in which such decree may be rendered, shall have allowed to them one (1) year after the entry of

such decree within which, upon petition to the court rendering the same, to have the said decree vacated and set aside.  
R.L. 1910, § 7292.

§67-61. Copy of record may be recorded.

In all cases when any original deed and the record thereof have been lost or destroyed, it shall be lawful for any person having a duly certified copy of said record to cause the same to be recorded, which record shall have the same force and effect as now belong to the record of original deeds.

R.L. 1910, § 7293.

§67-62. Legal representative may act hereunder.

Executors, administrators, guardians and trustees shall be entitled to proceed under this article, in behalf of the interest and rights they represent.

R.L. 1910, § 7294.

§67-63. Special commissioners - Fees.

The judges of courts having jurisdiction in such county shall have power to appoint as many special commissioners from time to time as they may deem necessary to carry out the provisions of this article, to take evidence and report all such petitions as may be referred to them. The fees of all referees, commissioners, clerks, sheriffs, and all officers and employees, for services under this article, shall not, in any case, exceed two-thirds (2/3) of the fees provided by law for similar services.

R.L. 1910, § 7295.

§67-64. Repealed by Laws 1978, c. 285, § 1102, eff. Oct. 1, 1978.

§67-65. Repealed by Laws 1978, c. 285, § 1102, eff. Oct. 1, 1978.

§67-66. Repealed by Laws 1978, c. 285, § 1102, eff. Oct. 1, 1978.

§67-81. Copies of old records for new counties.

The board of county commissioners of any county, created in whole or in part out of any county or counties, of the Territory of Oklahoma, or to which territory taken from any other county may have been attached, is hereby authorized and empowered to demand and secure the original taxrolls, or a duly authenticated copy of the same as herein provided of all of the property situated in all new counties formerly a part of the old counties, and to copy or transcribe, or to make contracts to procure copies or transcripts in substantial record books such as are required for said instruments, the same to be furnished by said counties so transcribing or copying the same at a rate not to exceed five cents (\$0.05) per folio, of the

records and government field notes of any county so divided, or from which territory may have been taken necessary to complete the records, so that the said counties may have a complete record of any such county or territory so affected. The party making such transcript or copy of records and files, shall verify and certify under oath to the accuracy of any such copy, copies or transcripts, and such copy, copies or transcripts, so verified shall, after approval by the board of county commissioners of said new county be treated for all purposes as the original records of such county. One certificate attached to each separate volume of such records or any portion thereof, identifying the same by proper recitals, to be made under the direction of the board of county commissioners, shall be deemed for all purposes a sufficient authentication of such record. R.L. 1910, § 7299.

§67-82. Custodians of records to facilitate copying.

It is hereby made the duty of any officer or person having possession, custody or control of any record, book, paper, taxroll, assessment or any other files or matter of record, or any portion of same so required to be copied or transcribed, to produce and exhibit all records, books, papers, taxrolls, assessments, and any other files or matters of record in his possession, custody, or control, and to permit and facilitate the copying or transcribing of any such record, book, paper, taxroll, assessment and other file or matter of record, or other evidence of any record or any portion thereof, when requested by the board of county commissioners or anyone authorized by them to make such copies or transcripts.

R.L. 1910, § 7300.

§67-83. Obstructing copying a felony.

If any officer or person having possession, custody or control of any record, book, paper taxroll, assessment, or any other file or matter of record, authorized herein to be copied or transcribed, shall fail, refuse, or neglect, or in any manner hinder or delay, after demand shall have been made to permit such transcribing or copying, or who shall destroy, mutilate, conceal or remove any such record, book, paper, taxroll, assessment, or any other file or matter of record, or other evidence so required to be copied or transcribed, or who shall cause or permit to be removed from its customary place any such record, book, paper, taxroll, assessment, or any other file or matter of record, or who shall refuse upon request to divulge the location of any such record, book, paper, taxroll, assessment, or any other file or matter of record, shall be deemed guilty of a felony, and upon conviction in any court of competent jurisdiction shall be fined in any sum not less than Two Hundred Fifty Dollars (\$250.00) nor more than Three Thousand Five Hundred Dollars (\$3,500.00) and confined in the State Penitentiary for a term of not less than one

(1) year and not more than five (5) years, and any person so convicted shall be forever barred from holding any office of profit or trust within the State of Oklahoma.

R.L. 1910, § 7301. Amended by Laws 1997, c. 133, § 549, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 400, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 549 from July 1, 1998, to July 1, 1999.

§67-91. Adoption of system of recording - Equipment, supplies and operators - Contracts for recording work.

The board of county commissioners of any county in this state may by resolution adopt the system of photographic recording for any or all offices of the respective counties where instruments are filed which are required to be recorded in books to be kept for that purpose. Said board of county commissioners in such counties where such system of recording is adopted may purchase such machines, equipment, and supplies as may be necessary and proper to do said work and also employ a competent operator or operators to operate said machines, the salary of such operator or operators to be fixed by the board of county commissioners in such amount as they shall deem advisable. In lieu of the purchase of said machines, equipment, and supplies by the county, the board of county commissioners may, if they deem it advisable, contract with some suitable person or persons, firm, or corporation having proper machines and equipment therefor to do all recording work required to be done in any office in their respective counties and fix the compensation therefor. No contract shall be made wherein the county shall be required to pay for such work a greater price than sixty percent (60%) of the total fees charged for such recording, as fixed by law at the time said contract is entered into. The adoption of this system by any county prior to the passage of this act, and the record heretofore made by such system, are hereby validated.

Added by Laws 1923, c. 50, p. 87, § 1, emerg. eff. April 9, 1923.

Amended by Laws 1961, p. 497, § 1, emerg. eff. March 3, 1961.

§67-92. Contractor's bond - Term of contract.

The person, firm or corporation, to whom any contract may be awarded under the provisions of this act, shall before entering upon the duties provided in said contract and prescribed by law, execute to the State of Oklahoma and file with the county clerk a bond in the penal sum of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), according as the board of county commissioners shall determine, with one or more sufficient sureties, to be approved by the board of county commissioners, which bond shall be conditioned for the faithful performance of said contract and the duties to be performed by said contractor as fixed by the laws of this state. The term of said contract shall be fixed



by the board of county commissioners for such period of time as they may deem advisable, not to exceed two (2) years.

Added by Laws 1923, c. 50, p. 87, § 2, emerg. eff. April 9, 1923.

§67-93. Procedure in making photographic record - Place of doing work - Liability for instruments.

When said work is done by contract, each instrument sought to be recorded shall be first filed with the officer having charge of the records of the office in which such instrument is sought to be recorded, and by him entered in a receiving book, kept for that purpose, and with reasonable dispatch thereafter delivered to such person, firm or corporation designated in said contract, for the purpose of recording, who shall with equal dispatch, make one photographic copy thereof as a part of the official records of such county, and immediately thereafter, deliver the original of such instrument together with said photographic copy to the office in which the same was received, and shall make, preserve and maintain an additional photographic copy of said record in some suitable and safe place, so that in the event of destruction or mutilation of the official record, the same can be replaced or substituted from the additional copy so preserved and maintained; provided, further, that no record shall be removed from the county for the purpose of photographing and when the work is done by contract, if not done at the courthouse, the place of doing said work shall be definitely fixed and described in said contract with reasonable accuracy and certainty; provided, further, that the board of county commissioners shall have the right and privilege to fix the size of the sheet upon which such instrument is being photographed for record at the time of making said contract; provided, further, that when any instrument is delivered to the contractor for recording, the official bond of such contractor shall be liable for the prompt and safe return of such instrument to the office in which it belongs and during such interval of time between delivery to the contractor and return to the proper officer, such officer having the permanent custody and control of said record shall not be liable on his official bond for the preservation of such instrument; provided, further, that the contractor shall give his receipt for every instrument at time of receiving same and may require the officer to give receipt upon return of such instrument.

Added by Laws 1923, c. 50, p. 88, § 3, emerg. eff. April 9, 1923.

Amended by Laws 1989, c. 367, § 4, eff. Nov. 1, 1989.

§67-94. Fees.

In all counties wherein photographic recording may be adopted, the following fees shall be charged the public by the receiving officer, to wit:

For the first page of deeds, mortgages and

|   |        |
|---|--------|
| other instruments on billhead paper<br>(size 8 1/2 inches by 14 inches), per<br>instrument.....         | \$ .75 |
| For each additional page of same size, per<br>instrument.....   | .50    |
| For recording contrasts or colors other<br>than black, white, green or red,<br>additional per page..... | .10    |
| For furnishing photographic copies of<br>typewritten script or printed<br>records, per page.....        | .75    |
| For furnishing photographic copies of<br>photographic records, per page.....                            | .50    |
| For each entry exceeding one on index,<br>including description of property.....                        | .10    |
| For recording town plat for the first 119<br>square inches or fractional part<br>thereof.....           | .75    |
| For each additional 119 square inches.....  | .50    |
| For certifying to each photographic copy,<br>including seal.....  | .25    |
| Added by Laws 1923, c. 50, p. 88, § 4, emerg. eff. April 9, 1923.                                       |        |

§67-95. Replacements - Charges.

Whenever any contractor shall be required to replace any record lost or destroyed, such contractor shall be entitled to have and receive for such replacement, the original contract price in force at the time demand is made for replacement, plus fifty percent (50%) thereof, unless a different sum is specifically fixed in the original contract.

Added by Laws 1923, c. 50, p. 88, § 5, emerg. eff. April 9, 1923.

§67-101. Repealed by Laws 1994, c. 62, § 1, eff. Sept. 1, 1994.

§67-102. Repealed by Laws 1994, c. 62, § 1, eff. Sept. 1, 1994.

§67-121. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§67-122. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§67-123. Repealed by Laws 1977, c. 256, § 1-106, eff. July 1, 1978.

§67-151. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-152. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-153. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-154. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-155. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-156. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-157. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-158. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-159. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-160. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-161. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-162. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-163. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-164. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-165. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-166. Repealed by Laws 1968, c. 67, § 1, eff. March 25, 1968.

§67-167. Repealed by Laws 1989, c. 367, § 13, eff. Nov. 1, 1989.

§67-168. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§67-201. Name.

This act shall be known as the "Records Management Act".

Added by Laws 1961, p. 498, § 1, eff. Jan. 2, 1962.

§67-202. Declaration.

The Legislature declares that programs for the efficient and economical management of state and local records will promote economy and efficiency in the day-to-day record-keeping activities of state and local governments and will facilitate and expedite government operations.

Added by Laws 1961, p. 498, § 2, eff. Jan. 2, 1962.

§67-203. Definitions.

As used in the Records Management Act, Section 201 et seq. of this title:

(a) "Record" means document, book, paper, photograph, microfilm, computer tape, disk, record, sound recording, film recording, video record or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business the expenditure of public funds, or the administration of public property. Library and museum material made or acquired and preserved solely for reference or exhibition purposes and stocks of publications are not included within the definition of records as used in this act.

(b) "State record" means:

(1) A record of a department, office, commission, board, authority or other agency, however designated, of the state government.

(2) A record of the State Legislature.

(3) A record of the Supreme Court, the Court of Criminal Appeals or any other court of record, whether of statewide or local jurisdiction.

(4) Any other record designated or treated as a state record under state law.

(c) "Local record" means a record of a county, city, town, village, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law unless the record is designated or treated as a state record under state law.

(d) "Agency" means any department, office, commission, board, authority or other unit, however designated, of the state government.

(e) "Essential record" means a state or local record necessary to the operation of government during an emergency created by a disaster, or necessary to protect the rights and interests of persons or to establish and affirm powers and duties of governments in the resumption of operations after a disaster.

(f) "Disaster" means any occurrence of fire, flood, storm, earthquake, tornado, explosion, epidemic, riot, sabotage, or other condition of extreme peril resulting in substantial damage or injury to persons or property within this state, whether such occurrence is caused by an act of nature or by persons, including an enemy of the United States.

(g) "Preservation duplicate" means a copy of an essential record used for preservation purposes pursuant to the Records Management Act.

Added by Laws 1961, p. 498, § 3, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 5, eff. Nov. 1, 1989.

§67-204. State Records Administrator, State Librarian - Program.

The State Librarian, as the State Archivist, is hereby designated the State Records Administrator, hereinafter called the Administrator. The Administrator shall establish and administer a

records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of state records.  
Added by Laws 1961, p. 498, § 4, eff. Jan. 2, 1962.

§67-205. Duties of Administrator.

1. The Administrator shall, with due regard for the functions of the agencies concerned:

(a) Establish standards, procedures, and techniques for effective management of records;

(b) Make continuing surveys of records and information operations and recommend improvements in current records management practices including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records;

(c) Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping;

(d) Establish programs for the selection and preservation of essential records; and

(e) Obtain reports from agencies as are required for the administration of the program.

2. The Administrator may remove an essential record from its legally designated and customary location if a disaster has occurred or is imminent, make or cause to be made preservation duplicates, and designate as preservation duplicates existing copies of essential records.

Added by Laws 1961, p. 498, § 5, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 6, eff. Nov. 1, 1989.

§67-206. Duties of agency heads - Records exempt from act.

A. The head of each agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency;

2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency's activities;

3. Submit to the Administrator, in accordance with the standards established by the Administrator, schedules proposing the length of time each state record series warrants retention for administrative, legal or fiscal purposes after it has been created or received by the agency. The head of each agency also shall submit lists of state records in the custody of the head of the agency that are not needed in the transaction of current business and that do not have

sufficient administrative, legal or fiscal value to warrant their further keeping for disposal in conformity with the requirements of Section 210 of this title;

4. Cooperate with the Administrator in the conduct of surveys made by the Administrator pursuant to the provisions of this act; and

5. Comply with the rules, regulations, standards and procedures issued by the Administrator.

B. Confidential health, life, disability and dental claims or related files of the State and Education Employees Group Insurance Program shall be exempt from this act.

Added by Laws 1961, p. 499, § 6, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 7, eff. Nov. 1, 1989; Laws 1998, c. 297, § 1, eff. July 1, 1998.

§67-207. Local records management.

The governing body of each county, city, town, village, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law shall promote the principles of efficient records management for local records. Such governing body shall, as far as practical, follow the program, established for the management of state records. The Administrator shall, insofar as possible, upon the request of a governing body provide advice on the establishment of a local records management program.

Added by Laws 1961, p. 499, § 7, eff. Jan. 2, 1962.

§67-208. Records management program for legislative and judicial branches.

Upon request, the Administrator shall advise and assist in the establishment of records management programs in the legislative and judicial branches of state government and shall, upon request, provide a program of services similar to those available to the executive branch of state government pursuant to the provisions of this act.

Added by Laws 1961, p. 499, § 8, eff. Jan. 2, 1962.

§67-209. Prohibition on mutilation, destruction, etc. of records.

All records made or received by or under the authority of or coming into the custody, control or possession of public officials of this state in the course of their public duties shall not be mutilated, destroyed, transferred, removed, altered or otherwise damaged or disposed of, in whole or in part, except as provided by law.

Added by Laws 1961, p. 499, § 9, eff. Jan. 2, 1962.

§67-210. Disposition of records.

Except as otherwise provided by law, no state record shall be destroyed or otherwise disposed of unless it is determined by the Archives and Records Commission that the record has no further administrative, legal, fiscal, research or historical value. Added by Laws 1961, p. 499, § 10, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 8, eff. Nov. 1, 1989.

§67-211. Destruction of nonrecord materials - Procedure.

Nonrecord materials or materials not included within the definition of records as contained in this act may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials with the prior approval of the Administrator. The Administrator may formulate procedures and interpretation to guide in the disposition of nonrecord materials. Added by Laws 1961, p. 499, § 11, eff. Jan. 2, 1962.

§67-212. Rules and regulations.

The Administrator shall promulgate such rules and regulations as are necessary or proper to effectuate the purposes of this act, except that rules and regulations relating to the disposal of records pursuant to Section 10 of this act shall be issued jointly by the Administrator and the Archives and Records Commission. Added by Laws 1961, p. 499, § 12, eff. Jan. 2, 1962.

§67-213. Report to Governor by State Administrator.

The Administrator shall make a biennial report to the Governor for transmission to the Legislature. The report shall describe the status and progress of programs established pursuant to this act and shall include the recommendations of the Administrator for improvements in the management of records in the state government. Added by Laws 1961, p. 500, § 13, eff. Jan. 2, 1962.

§67-214. Personnel - Expenditure of funds - Contract for records management - Bond.

(a) When a state agency institutes a records management program under the provisions of this act it is hereby authorized and directed to furnish the Administrator with as many persons in its employ as he considers necessary to carry on the program, and such employees shall be under his direction and supervision while performing the duties connected with the execution of the provisions of this act, and the agency is furthermore authorized and directed to expend amounts from any funds under its control that the Administrator requests for the purpose of establishing and maintaining a records management program in the agency.

(b) In the furtherance of a records management program a state agency may contract, with the approval of the Administrator, with a reputable records management organization, having at least five (5)

years of experience in the techniques of records management operations, for the establishment of a records management program in the agency and may pay out sums for this purpose from any funds under its control. Such organization shall give a performance bond with good and sufficient sureties, payable to the State of Oklahoma, for a sum not less than the amount of the contract and the bond shall be approved by the Attorney General. All work performed under such contract shall be under the general direction and supervision of the Administrator and shall have his written approval before any payments are made for such services.

Added by Laws 1961, p. 500, § 14, eff. Jan. 2, 1962. Amended by Laws 1968, c. 67, § 2, emerg. eff. March 25, 1968.

§67-215. Provisions cumulative.

The provisions of the Records Management Act, Section 201 et seq. of this title shall not affect and are cumulative to other statutory provisions pertaining to the disposition of records.

Added by Laws 1961, p. 500, § 15, eff. Jan. 2, 1962. Amended by Laws 1989, c. 367, § 9, eff. Nov. 1, 1989.

§67-216. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§67-217. Transfer of state records to Oklahoma City National Memorial Foundation.

A. Notwithstanding any other law prohibiting the transfer or disposal of state records, a state agency may transfer copies of state records made or received by the agency pertaining to the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, to the Oklahoma City National Memorial Foundation, a not-for-profit corporation. Originals of state records may be transferred if not otherwise required to be maintained by the state agency. All records deemed to be private or confidential by law or are restricted law enforcement, criminalistic, or investigative records may be transferred provided the Foundation agrees to hold the records as restricted or confidential records pursuant to an agreement made with the State Records Administrator as provided for in subsection B of this section.

B. The State Records Administrator shall enter into an agreement with the Oklahoma City National Memorial Foundation on behalf of the state for the transfer of state records to the Foundation. The agreement shall outline the obligations of the state and the Foundation in regards to the housing, maintenance, ownership, liability, access, restriction, transfer, and destruction of the records.

Added by Laws 2009, c. 40, § 2, emerg. eff. April 14, 2009.



§67-251. Definitions.

As used in this act, "business" includes every kind of private business, profession, occupation, calling or operation of private institutions, whether carried on for profit or not. "Persons" means an individual, partnership, corporation, or any other association. "Record" or "business records" include books of account, vouchers, documents, canceled checks, payrolls, correspondence, records of sales, personnel, equipment and production, reports relating to any or all of such records, and other business papers. "Reproduction" means a reproduction or durable medium for making a reproduction obtained by any photographic, photostatic, microfilm, microcard, miniature photographic or other process which accurately reproduces or forms a durable medium for so reproducing the original.  
Added by Laws 1965, c. 453, § 1.

§67-252. Preservation period.

Unless a specific period is designated by law for their preservation, business records which persons by the law of this state are required to keep or preserve may be destroyed after the expiration of three (3) years from the making of such records without constituting an offense under such laws. This section does not apply to minute books of corporation nor to records of sales or other transactions involving weapons, poisons or other dangerous articles or substances capable of use in the commission of crimes.  
Added by Laws 1965, c. 453, § 2.

§67-253. Reproductions.

If in regular course of business a person makes reproductions of original business records, the preservation of such reproductions constitutes compliance with any laws of this state requiring that business records be kept or preserved.  
Added by Laws 1965, c. 453, § 3.

§67-254. Destruction of records by state officers.

Nothing in this act shall be construed to diminish the authority of an officer of this state under existing law to permit the destruction of business records.  
Added by Laws 1965, c. 453, § 4.

§67-255. Construction.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.  
Added by Laws 1965, c. 453, § 5.

§67-256. Citation.

This act may be cited as the Uniform Preservation of Private Business Records Act.

Added by Laws 1965, c. 453, § 6.

§67-301. Photographing, microphotographing or filming of records - Standards - Preservation of original negatives.

A. 1. Any public officer of the state or any county, public trust, authority or agency, city, municipality, district or legal subdivision thereof, may cause any or all records, papers or documents kept by him to be photographed, microphotographed, reproduced on film, or duplicated in a manner acceptable to the State Archives and Records Commission. The custodian of the records may permit any record to be removed from his office for the purpose of photographic filming or other duplication, and his responsibility for their care and return shall continue during the times of their removal from the area controlled by the custodian of the records during photographic or duplication processes. The custodian of the records shall, before delivering any records for photographing, duplication or microphotographing make a complete catalog list of the records to be filmed and retain the same until the records are returned. He may require a bond, and shall require written receipt identifying each record removed from his custody. Such photographic film shall comply with the minimum standards of quality for film, processing, and storage of permanent photographic records promulgated by the Archives and Records Commission. Any other media containing duplicates of records shall comply with standards promulgated by the Archives and Records Commission. The device used to reproduce such records on such film or other media shall accurately reproduce the original thereof in all details. Such photographs, microphotographs, photographic film or other duplicates shall be deemed to be original records for all purposes, including introduction in evidence in all courts or administrative agencies. A transcript, exemplification, or certified copy thereof, for all purposes recited herein, shall be deemed to be a transcript, exemplification, or certified copy of the original.

2. The original photographs, microphotographs, film or other media containing duplicate records shall be stored in a maximum security vault and only be removed therefrom for the purpose of making copies thereof as the custodian of the records may require. At the election of the custodian of the records, however, the master negative or copy may, immediately upon being made, be deposited with the Oklahoma Department of Libraries which shall retain it in a maximum security vault and furnish such copies thereof as may be required for the purposes of the custodian of the records. The cost of any photographic, microphotographic, reproduction or filming service requested by and furnished to a state agency or subdivision of government shall be paid to the Department of Libraries rendered

on the basis of fee schedules established by the Archives and Records Commission.

3. A copy of such photographs, microphotographs, reproductions on film or other duplicates properly certified and cataloged shall be placed in conveniently accessible files and provisions made for preserving, examining and using the same, including reproduction of same. There shall be available for use by the public at least two devices for viewing, and at least one of said devices shall provide for reproducing the photographic or other duplicate records. Such copies shall be certified by their custodian as true copies of the originals, and the copies so certified shall have the same force and effect as the originals. A statement in writing describing the record and certifying it to be a true copy, and attached securely to the reproduction, will be deemed a sufficient certification. Any viewing devices in use at the time of the passage of this act may continue to be used, although such device does not provide a reproducing system.

B. The provisions of this section shall not affect and are cumulative to the provisions of the Records Management Act, Section 201 et seq. of this title and Sections 564 through 576 of Title 74 of the Oklahoma Statutes.

Added by Laws 1968, c. 116, § 1, emerg. eff. April 1, 1968. Amended by Laws 1972, c. 209, § 1, emerg. eff. March 31, 1972; Laws 1989, c. 367, § 10, eff. Nov. 1, 1989; Laws 1997, c. 164, § 9, eff. July 1, 1997.

§67-302. Instruments filed for record - Microfilming - Security copies - Sale of copies.

The county clerk and ex officio registrar of deeds may record the instruments lawfully filed for record in his office by making and preserving microfilm thereof.

Whenever a system of microfilming is established at least two (2) microfilms shall be made of each recorded instrument which shall be kept separate, in order that they may not be subject to the same hazards. Additional copies of such microfilmed records may be produced by the public officer for sale to bonded abstractors of the county at a price not to exceed the cost of production plus twenty percent (20%).

The security copy of the microfilm may be deposited in a bank or other safe place.

Added by Laws 1968, c. 116, § 2, emerg. eff. April 1, 1968.

§67-303. Court or judicial records.

This act shall not apply to any court or judicial records.

Added by Laws 1968, c. 116, § 3, emerg. eff. April 1, 1968.

§67-305. Creation - Composition - Delegation of duties - Authority - Exemptions.

There is hereby re-created until July 1, 2021, in accordance with the Oklahoma Sunset Law, the Archives and Records Commission, hereinafter referred to as the Commission, to be composed of one member to be appointed by the Governor who shall serve as Chairman, the State Librarian as Vice Chairman and Secretary, the Lieutenant Governor, the State Auditor and Inspector and the State Treasurer as members. Any member may appoint and designate a subofficer or employee as his proxy for purposes of carrying on the duties of the Commission. The Commission shall have sole, entire and exclusive authority of the disposition for all public records and archives of state officers, departments, boards, commissions, agencies and institutions of this state. The authority herein granted shall not apply to records and archives of political subdivisions of the state; provided, however, this act shall not apply to the confidential records and files of the Oklahoma Tax Commission which are exempt from all provisions of this act.

Added by Laws 1947, p. 616, § 1, emerg. eff. May 22, 1947. Amended by Laws 1975, c. 230, § 8, emerg. eff. May 30, 1975; Laws 1978, c. 146, § 1; Laws 1979, c. 241, § 11, operative July 1, 1979; Laws 1983, c. 177, § 1, emerg. eff. June 7, 1983; Laws 1989, c. 61, § 1, operative July 1, 1989. Renumbered from § 564 of Title 74 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989. Amended by Laws 1995, c. 32, § 1, eff. Nov. 1, 1995; Laws 2001, c. 9, § 1; Laws 2007, c. 24, § 1; Laws 2013, c. 295, § 1; Laws 2017, c. 292, § 1.

NOTE: Laws 1979, c. 20, § 1 repealed by Laws 1983, c. 177, § 2, emerg. eff. June 7, 1983.

§67-306. Unnecessary records and archives - Consultation with State Librarian - Application to Commission - Disposition.

Every state officer and the heads of all departments, boards, commissions, agencies and institutions of the State of Oklahoma who have in their custody public records and archives deemed by them to be unnecessary for the transaction of the business of their offices shall consult with the State Librarian for the purpose of determining if such records and archives are desired for deposit in the archives division of the Oklahoma State Library. Upon certification by the State Librarian that such records and archives are or are not desired for such purpose, then such custodian shall, in conformity with such determination, apply to the Commission for authorization to destroy or transfer such records and archives to the Oklahoma State Library as hereinafter provided. Upon the filing of such application the Commission shall have authority to authorize or direct the disposition of such records and archives by any one or more of the following methods:

1. By destruction; provided that, the Commission shall not authorize destruction of records and archives less than five (5) years old except upon a showing of good cause by the agency or the Archives and Records Division of the Oklahoma Department of Libraries and a unanimous vote of the members of the Commission, or their designees, present.

2. By transfer to the custody and control of the Oklahoma State Library and there retained. The State Librarian may, in his discretion, microfilm such records and archives, especially if so doing would aid in the preservation of their contents.

3. By transfer to the Oklahoma State Library with authorization to the State Librarian to microfilm said records and archives and upon the completion of this process to destroy said records and archives in accordance with the order of the Commission.

Records and archives transferred to the Oklahoma State Library shall never be returned to their former custody except by order of the Commission and written consent of the State Librarian.

Added by Laws 1947, p. 616, § 2, emerg. eff. May 22, 1947. Amended by Laws 1978, c. 146, § 2. Renumbered from Title 74, § 565 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-307. Commission - Power to require assistance.

The Commission is hereby given the authority to request any state officer or the head of any department, board, commission, agency or institution of the State of Oklahoma whose records and archives are being checked to furnish as many persons in the employ thereof, as in its discretion are necessary, to properly check and survey the records and archives of said state officer, department, board, commission, agency or institution. And it shall be the duty of any state officer, or the head of any department, board, commission, agency or institution to furnish the number of persons requested by the said Commission. Said employees so assigned to the Commission shall be under its direction and supervision in the performance of the functions set out by this act.

Added by Laws 1947, p. 617, § 3, emerg. eff. May 22, 1947.

Renumbered from Title 74, § 566 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-308. Record of destroyed, transferred or microfilmed records or archives - Report to Secretary of State.

A record shall be kept of the records and archives which are destroyed or transferred and it shall be in such form as prescribed by the Commission and shall disclose among other things the date and content of the records and archives destroyed, transferred, or microfilmed. One copy of said record shall be kept by the state officer, department, board, commission, agency, or institution of the State of Oklahoma whose records have been destroyed or transferred.

The original of such record shall be retained by the Secretary of the Commission. The Secretary of the Commission shall file annually a summary report with the Secretary of State detailing records which have been destroyed, transferred or microfilmed during the previous year.

Added by Laws 1947, p. 617, § 4, emerg. eff. May 22, 1947. Amended by Laws 1989, c. 367, § 11, eff. Nov. 1, 1989. Renumbered from Title 74, § 567 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-309. Microfilm - Deemed original record for all purposes.

Any microfilm, duplicate created in a manner acceptable to the State Archives and Records Commission, or microphotograph film, of any original record or archives shall be deemed to be an original record or archive for all purposes and shall be admissible in evidence in all courts or administrative agencies the same as the originals. A facsimile exemplification or certified copy thereof shall for all purposes recited herein be deemed to be a description exemplification or certified copy of the original.

Added by Laws 1947, p. 617, § 5, emerg. eff. May 22, 1947.

Renumbered from Title 74, § 568 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989. Amended by Laws 1997, c. 164, § 10, eff. July 1, 1997.

§67-310. Termination of office or department - Records disposed of.

All records and archives of any state officer or of any department, board, commission, agency or institution, shall upon the termination of the functions of that office, department, board, commission, or institution, be disposed of in accordance with the provisions of this act.

Added by Laws 1947, p. 617, § 6, emerg. eff. May 22, 1947.

Renumbered from Title 74, § 569 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-311. Secretary - Powers - Attorney General powers.

The Secretary of the Archives and Records Commission in person, or through a deputy authorized by him, shall have the right of access to all public records and archives of this state, except those records and archives classified as confidential by Act of the Legislature, with a view of securing their safety and preservation and determining their administrative or legal value. On behalf of the State of Oklahoma and the Oklahoma State Library the Attorney General may replevin any public records or archives illegally removed which were formerly part of the records or files of any public office of the Territory or of the State of Oklahoma.

Added by Laws 1947, p. 617, § 7, emerg. eff. May 22, 1947.

Renumbered from Title 74, § 570 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-312. Equipment and supplies - Film library.

The State Librarian shall acquire and maintain sufficient equipment and supplies to microfilm all records, archives and documents transferred to him for that purpose in conformity with the minimum standards of quality approved for microfilming records and archives by the Archives and Records Commission; and shall maintain a film library with a catalog system or index and adequate equipment to enable the various state officers, departments, boards, commissions, agencies and institutions to effectively use the microfilm service which is hereby established in the Oklahoma Department of Libraries. Added by Laws 1947, p. 618, § 8, emerg. eff. May 22, 1947. Amended by Laws 1989, c. 367, § 12, eff. Nov. 1, 1989. Renumbered from Title 74, § 571 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-313. Secretary of Archives and Records Commission - Duty to determine preservation or disposition of records - Exception to rule of confidential records.

(a) The Secretary of the Archives and Records Commission is directed and authorized to begin not later than thirty (30) days after the effective date of this Resolution on examination of the documents, records, papers, and archives located in Oklahoma City, Oklahoma which belong to the agencies, authorities, boards, commissions, departments, institutions, instrumentalities, office, officers, officials, and societies of the State of Oklahoma, to determine (a) what part or parts of such documents, records, papers, and archives are to be preserved, (b) what part or parts of such documents, records, papers and archives are to be destroyed or sold as waste, and (c) what part or parts of such documents, records, papers, and archives are to be microfilmed and the original of such documents, records, papers, and archives destroyed or sold thereafter. The Secretary of the Archives and Records Commission is authorized to delegate his executive duties under this subsection.

(b) No document, record, paper, or archive is to be withheld from examination by the Secretary of the Archives and Records Commission on the ground or grounds that the same is a privileged or confidential document, record, paper, or archive. If any statute or statutes of the State of Oklahoma as now enacted create any class of privileged or confidential document, record, paper, or archives and provide any penalty or penalties for disclosure of such document, record, paper, or archive it is the intent of the Legislature that such penalty or penalties not be applied in connection with any examination by the Secretary made for the purpose of compliance with this Resolution. In the event the Secretary examines a confidential or privileged document, record, paper, or archive he is forbidden to divulge or to disclose any information obtained from his examination. Added by Laws 1953, p. 516, § 1. Renumbered from Title 74, § 572 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-314. Listing of documents to be retained, destroyed or microfilmed, shall be furnished heads of departments.

The Secretary of the Archives and Records Commission is directed at such time as he completes the examination of each such agency, authority, board, commission, department, institution, instrumentality, office, officer, official, or society, to furnish to the appropriate head of each agency, authority, board, commission, department, institution, instrumentality, office, officer, official, or society with a listing which shows the type or class of the documents, records, papers, and archives which are to be: (a) retained, (b) destroyed, and (c) microfilmed.

Added by Laws 1953, p. 517, § 2. Renumbered from Title 74, § 573 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-315. Delivery of records for disposition - Reports for noncompliance.

Within thirty (30) days after the head of each such agency, authority, board, commission, department, institution, instrumentality, office, officer, official, or society is furnished with such a listing by the Secretary of such documents, records, papers, and archives are to be delivered to the Secretary of the Archives and Records Commission for disposition as provided.

In the event delivery is refused of such documents, records, papers, and archives the Secretary of the Archives and Records Commission is directed not later than ten (10) days after the expiration of thirty-day period of compliance to report such noncompliance to the President Pro Tempore of the Senate, to the Speaker of the House of the Oklahoma Legislature, and to the Governor of the State of Oklahoma, setting forth in detail the extent of noncompliance and the reasons assigned therefor. In addition the Secretary is directed to file a copy of such report or reports of noncompliance with the Secretary of State of Oklahoma, and the same is to be a public record open for the inspection and information of the public.

Added by Laws 1953, p. 517, § 3. Renumbered from Title 74, § 574 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-316. Preparation of records for retention, microfilming and destruction - Disposition of monies received - Use.

Upon the delivery to the Secretary of the Archives and Records Commission of the documents, records, papers, and archives, the Secretary is authorized and directed to prepare them for retention, microfilming, and destruction, in accordance with the terms of the Archives and Records Act. The Secretary is authorized and directed to deposit the money or monies received from the disposition of such documents, records, papers, and archives in the Official Depository



Account Number 21 of the State Treasurer of Oklahoma. The money or monies so received is to be expended at the discretion of the Secretary in the advancement of this program.

Added by Laws 1953, p. 517, § 4. Renumbered from Title 74, § 575 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.

§67-317. Definitions.

As used in this resolution unless the context otherwise requires:

1. Secretary of the Archives and Records Commission means and refers to that office created under the terms of Title 74 O.S.1951, Section 564 and following, and to the powers, privileges, and duties assigned that office under such statutes.

2. The Archives and Records Commission means and refers to that Commission created under the terms of Title 74 O.S.1951, Section 564, and to the powers, privileges, and duties assigned such Commission under such statutes.

3. The phrase "dead storage files" refers to and includes all rooms, storehouses, warehouses, floor space, office space, files, filing cabinets, vaults, and other places in which are stored, kept, maintained, or otherwise held documents, papers, records, and archives not in actual use which belong to, or are in the custody of, any agency, authority, board, commission, department, institution, instrumentality, office, officer, official, or society of the State of Oklahoma. To be in actual usage such documents, papers, records, and archives must be in continual demand for immediate reference purposes, for actual use in the day-to-day work required of any agency, authority, board, commission, department, institution, instrumentality, office, officer, official, or society of the State of Oklahoma in their principal offices or places of business. Any documents, papers, records, and archives not in such continual usage are to be considered dead storage files.

Added by Laws 1953, p. 517, § 5. Renumbered from Title 74, § 576 by Laws 1989, c. 367, § 14, eff. Nov. 1, 1989.