

WFG Underwriting Bulletin



To: All Oklahoma Policy Issuing Agents of WFG National Title Insurance Company

From: WFG Underwriting Department

Date: September 17, 2019

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Subject: 2019 Legislative Update – 57th Session

The 57th Session of the Oklahoma Legislature passed several laws which affect real estate and the title insurance industry. This is a synopsis of the legislation that most significantly impacts our business. The complete text of each bill passed can be found on the Oklahoma Legislature web site under the Legislation/Basic Bill Search menus. <http://www.oklegislature.gov>.

Effective November 1, 2019, HB 1222 amended 16 O.S. 2011, Section 13, by adding Subsection B, which relates to joinder of spouses with respect to certain property. The underlined language is new.

Section 13. A. The husband or wife may convey, mortgage or make any contract relating to any real estate, other than the homestead, belonging to him or her, as the case may be, without being joined by the other in such conveyance, mortgage or contract.

B. In the event a recorded conveyance of nonhomestead property has been executed by a married grantor without being joined by his or her spouse, said conveyance shall still be considered a valid conveyance of marketable title if one of the following instruments is placed of record:

1. An affidavit executed by the nonjoining spouse stating that the property conveyed was nonhomestead property; or
 2. A conveyance executed by the nonjoining spouse, with or without others, relinquishing any claim to an interest in the property to the same grantee, or to a successor or successors in interest, with a recitation that the property was nonhomestead property.
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Effective January 1, 2020, SB 915 enacted new Section 87 of Title 16 which establishes a procedure for the recording of electronic documents in tangible form.

Recordation of Electronic Documents in Tangible Form (16 O.S. 87)

- Authorizes the recordation of electronic documents in tangible form;

- Authorizes the certification of paper or tangible copies of electronic documents by an Oklahoma notary public;
 - Provides clarifying definitions;
 - Provides the form for a notary public certification; and
 - Provides that this section of the Act regarding recordation of electronic documents in tangible form does not apply to a plat, plan, map or survey of real property if another law, rule, regulation or ordinance applies.
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Effective January 1, 2020, SB 915 enacted new Section 201 of Title 49 which authorizes the use and recording of documents notarized by RONS (Remote Online Notaries) in transactions involving Oklahoma real property.

Remote Online Notarization (49 O.S. Sect. 201)

- Authorizes “remote online notarization”, which allows a person to appear and acknowledge a document by certain two-way video and audio communication technology involving “credential analysis” and identity proofing”;
 - The notary must be located in the state of Oklahoma; but
 - The acknowledging person need not be in Oklahoma at the time of the remote online notarization;
- Requires the Secretary of State to develop standards regulating remote online notarization;
- Registration requirements for an online Notary Public;
- The creation and retention of certain electronic records;
- The use of electronic signatures and seals;
- The legal recognition and validity of remote online notarization; and
- Authorizes a fee for online notarization.

Note: WFG will issue specific guidelines regarding insuring transactions involving a RON after the Oklahoma Secretary of State issues regulatory rules on the subject.

Effective November 1, 2019, SB 275 creates a judicial procedure for obtaining a judicial record of death.

The statute applies when:

- A death certificate is required to settle a property or financial interest of a person who has allegedly died in the state twenty-five (25) years ago or longer; and,
 - The State Registrar for Vital Statistics confirms that a death certificate is not on file for the person with the State Department of Health.
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Effective May 7, 2019, HB 2118 amended 17 O.S. Sect. 160.20 and 160.21 to extend and amend restrictions regarding wind farms.

- Requires the owner of a wind energy facility to submit to the Corporation Commission and the Oklahoma Aeronautics Commission copies of all FAA forms for individual wind turbines to be constructed;
 - Authorizes the Corporation Commission to seek enforcement of setback restrictions and other requirements through its administrative court system.
 - Extends existing restrictions on wind turbine construction to individual wind turbines in areas that may adversely impact the mission, training or operations of the military.
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Effective November 1, 2019, SB 442 amended 28 O.S. 2011, Section 32 as follows

C. For the purpose of preserving, maintaining, and archiving recorded instruments including, but not limited to, records management, records preservation, automation, modernization, and related lawful expenditures, in addition to all other fees required by law, the county clerk shall collect ~~Five Dollars (\$5.00)~~ Ten Dollars (\$10.00) for each instrument recorded with the Registrar of Deeds.

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.