

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 470

By: Marlatt

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5  
6 AS INTRODUCED

7 An Act relating to oil and gas; amending 52 O.S.  
8 2011, Section 570.10, which relates to the Production  
9 Revenue Standards Act; removing requirement to  
10 compound interest annually on certain payments;  
11 providing procedures for payment of proceeds on  
12 certain mineral interests; and providing an effective  
13 date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 52 O.S. 2011, Section 570.10, is  
16 amended to read as follows:

17 Section 570.10. A. All proceeds from the sale of production  
18 shall be regarded as separate and distinct from all other funds of  
19 any person receiving or holding the same until such time as such  
20 proceeds are paid to the owners legally entitled thereto. Any  
21 person holding revenue or proceeds from the sale of production shall  
22 hold such revenue or proceeds for the benefit of the owners legally  
23 entitled thereto. Nothing in this subsection shall create an  
24 express trust.

B. Except as otherwise provided in this section:

1           1. Proceeds from the sale of oil or gas production from an oil  
2 or gas well shall be paid to persons legally entitled thereto:

3           a. commencing not later than six (6) months after the  
4           date of first sale, and

5           b. thereafter not later than the last day of the second  
6           succeeding month after the end of the month within  
7           which such production is sold.

8           2. Notwithstanding paragraph 1 above, royalty proceeds from the  
9 sale of gas production from an oil or gas well remitted to the  
10 operator pursuant to subsection B of Section 570.4 of this title  
11 shall be paid to persons legally entitled thereto:

12           a. commencing not later than six (6) months after the  
13           date of first sale, and

14           b. thereafter not later than the last day of the third  
15           succeeding month after the end of the month within  
16           which such production is sold; provided, however, when  
17           proceeds are received by the operator in its capacity  
18           as a producing owner, the operator may pay the royalty  
19           share of such proceeds to the royalty interest owners  
20           legally entitled thereto at the same time that it pays  
21           the royalty proceeds received from other producing  
22           owners for the same production month, but not later  
23           than the last day of the third succeeding month after  
24

1 the end of the month within which such production was  
2 sold.

3 3. a. Proceeds from production may be remitted to the  
4 persons entitled to such proceeds annually for the  
5 twelve (12) months accumulation of proceeds totaling  
6 at least Ten Dollars (\$10.00) but less than One  
7 Hundred Dollars (\$100.00). Amounts less than Ten  
8 Dollars (\$10.00) may be held but shall be remitted  
9 when production ceases or by the payor upon  
10 relinquishment of payment responsibility.

11 b. Proceeds totaling less than One Hundred Dollars  
12 (\$100.00) but more than Twenty-five Dollars (\$25.00)  
13 shall be remitted monthly if requested by the person  
14 entitled to the proceeds. Amounts less than Ten  
15 Dollars (\$10.00) shall be remitted annually if  
16 requested by the person entitled to the proceeds.

17 c. Before proceeds greater than Twenty-five Dollars  
18 (\$25.00) may be accumulated, payor shall provide  
19 notice to the person owning interest as defined in  
20 Section 570.2 of this title, entitled to such proceeds  
21 that there is an option to be paid monthly for  
22 proceeds greater than Twenty-five Dollars (\$25.00).  
23 Such notice to the person shall also provide  
24 directions for requesting monthly payment, and

1                   constitutes notice to all heirs, successors,  
2                   representatives, and assigns of the person.

3           4. Any delay in determining the persons legally entitled to  
4 proceeds from production caused by unmarketable title shall not  
5 affect payments to persons whose title is marketable.

6           C. 1. A first purchaser that pays or causes to be paid  
7 proceeds from production to the producing owner of such production  
8 or, at the direction of the producing owner, pays or causes to be  
9 paid royalty proceeds from production to:

- 10           a. the royalty interest owners legally entitled thereto,
- 11                   or
- 12           b. the operator of the well,

13 shall not thereafter be liable for such proceeds so paid and shall  
14 have thereby discharged its duty to pay those proceeds on such  
15 production.

16           2. A working interest owner that pays or causes to be paid  
17 royalty proceeds from production to:

- 18           a. the royalty interest owners legally entitled thereto,
- 19                   or
- 20           b. the operator of the well,

21 shall not thereafter be liable for such proceeds so paid and shall  
22 have thereby discharged its duty to pay those proceeds on such  
23 production.

1           3. An operator that pays or causes to be paid royalty proceeds  
2 from production, received by it as operator, to the royalty interest  
3 owners legally entitled thereto shall not thereafter be liable for  
4 such proceeds so paid and shall have thereby discharged its duty to  
5 pay those proceeds on such production.

6           4. Where royalty proceeds are paid or withheld incorrectly as a  
7 result of an error or omission, the party whose error or omission  
8 caused the incorrect royalty payments shall be liable for the  
9 additional royalty proceeds on such production and all resulting  
10 costs or damages incurred by the party making or withholding the  
11 incorrect payment.

12           D. 1. Except as otherwise provided in paragraph 2 of this  
13 subsection, where proceeds from the sale of oil or gas production or  
14 some portion of such proceeds are not paid prior to the end of the  
15 applicable time periods provided in this section, that portion not  
16 timely paid shall earn interest at the rate of twelve percent (12%)  
17 per annum ~~to be compounded annually~~, calculated from the end of the  
18 month in which such production is sold until the day paid.

19           2. a. Where such proceeds are not paid because the title  
20 thereto is not marketable, such proceeds shall earn  
21 interest at the rate of six percent (6%) per annum ~~to~~  
22 ~~be compounded annually~~, calculated from the end of the  
23 month in which such production was sold until such  
24 time as the title to such interest becomes marketable.

1 Marketability of title shall be determined in  
2 accordance with the then current title examination  
3 standards of the Oklahoma Bar Association.

4 b. Where marketability has remained uncured for a period  
5 of one hundred twenty (120) days from the date payment  
6 is due under this section, the holder of such proceeds  
7 may, and any person claiming to own the right to  
8 receive proceeds which have not been paid because of  
9 unmarketable title may require the holder ~~of such~~  
10 ~~proceeds~~ to interplead the proceeds ~~and all accrued~~  
11 ~~interest~~ into court for a determination of the persons  
12 legally entitled thereto. Upon payment into court the  
13 holder of such proceeds shall be relieved of any  
14 further liability for the proper payment of such  
15 proceeds and interest thereon.

16 c. In the event title remains unmarketable for two (2)  
17 years after an operator provides written notice of the  
18 unmarketable title, the operator may presume the  
19 accrued proceeds to be abandoned and remit payment  
20 pursuant to the Unclaimed Property Act, Section 651 et  
21 seq. of Title 60 of the Oklahoma Statutes.

22 d. Interest on proceeds that has not been paid prior to  
23 the applicable time periods provided in this section  
24 shall not apply in the following circumstances:

- 1           i. when mineral owners or their assignees elect to take  
2           their proportionate share of production in kind, or  
3           ii. when a mineral owner or assignee cannot be located  
4           after reasonable inquiry by the operator and the  
5           proceeds have been remitted to the state pursuant to  
6           the Unclaimed Property Act.

7           E. 1. Except as provided in paragraph 2 of this subsection, a  
8 first purchaser or holder of proceeds who fails to remit proceeds  
9 from the sale of oil or gas production to owners legally entitled  
10 thereto within the time limitations set forth in paragraph 1 of  
11 subsection B of this section shall be liable to such owners for  
12 interest as provided in subsection D of this section on that portion  
13 of the proceeds not timely paid. When two or more persons fail to  
14 remit within such time limitations, liability for such interest  
15 shall be shared by those persons holding said proceeds in proportion  
16 to the time each person held such proceeds.

17           2. When royalty proceeds on gas production are remitted  
18 pursuant to subsection B of Section 570.4 of this title:

- 19           a. A first purchaser that causes such proceeds to be  
20           received by the operator or by a producing owner in  
21           the well for distribution to the royalty interest  
22           owner legally entitled thereto within the first month  
23           following the month in which such production was sold  
24           shall not be liable for interest on such proceeds.

- 1           b.    A producing owner receiving royalty proceeds that  
2                causes such proceeds to be received by the royalty  
3                interest owner legally entitled thereto or by the  
4                operator for distribution to the royalty interest  
5                owner legally entitled thereto not later than the end  
6                of the first month following the month in which  
7                proceeds for such production was received by the  
8                producing owner from the purchaser shall not be liable  
9                for interest on such proceeds.
- 10           c.    An operator receiving royalty proceeds that causes  
11                such proceeds to be received by the royalty interest  
12                owner legally entitled thereto, not later than the end  
13                of the first month following the month in which  
14                proceeds for such production was received by the  
15                operator from the purchaser or producing owner shall  
16                not be liable for interest on such proceeds.
- 17           d.    Liability for interest provided in subsection D of  
18                this section shall be borne solely by the person, or  
19                persons, failing to remit royalty proceeds within the  
20                time limitations set forth in subsection B of this  
21                section.  When two or more persons fail to remit  
22                within such time limitations, liability for such  
23                interest shall be shared by such persons in proportion  
24                to the time each person held such proceeds.



1 F. Nothing in this section shall be construed to impair or  
2 amend existing or future contractual rights provided for in gas  
3 balancing agreements or other written agreements which expressly  
4 provide for the taking, sharing, marketing or balancing of gas or  
5 the proceeds therefrom. Any proceeds to be paid pursuant to any  
6 such agreement shall not commence to earn interest until the sooner  
7 of the time provided in such agreement for the payment of such  
8 proceeds or ninety (90) days from the date of the depletion of the  
9 well. Nothing herein shall be deemed to alter or limit the payment  
10 of royalty proceeds as provided in the Production Revenue Standards  
11 Act.

12 G. All payments under the Production Revenue Standards Act to  
13 owners or any other person or governmental entity legally entitled  
14 to the payment may be made by electronic means including but not  
15 limited to electronic funds transfer, Automated Clearing House  
16 (ACH), direct deposit, wire transfer, or any other similar form of  
17 transfer, upon the mutual written consent of the payor and payee.

18 SECTION 2. This act shall become effective November 1, 2015.  
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