

House Bill 2844

Sponsored by COMMITTEE ON REVENUE (at the request of Association of Oregon Counties)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases fees for recording or filing certain documents with county clerk.

A BILL FOR AN ACT

Relating to recordation fees; creating new provisions; and amending ORS 205.323 and 306.815.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 205.323 is amended to read:

205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320 and other fees, *[the following fees shall be charged and collected for the recording or filing of any]* **the county clerk shall charge and collect the following fees for recording or filing an** instrument described in ORS 205.130:

(a) A fee of \$1, to be credited as provided in subsection (3)(a) of this section; and

(b) A fee of *[\$10]* **\$16**, to be credited as provided in subsection (3)(b) of this section.

(2) Subsection (1) of this section does not apply to the recording or filing of the following:

(a) Instruments that are otherwise exempt from recording or filing fees under any provision of law;

(b) Any satisfaction of judgment or certificate of satisfaction of judgment; or

(c) Internal county government instruments not otherwise charged a recording or filing fee.

(3) Of the amounts charged and collected under this section:

(a) The recording or filing fee charged and collected under subsection (1)(a) of this section shall be deposited and credited to the Oregon Land Information System Fund established under ORS 306.132; and

(b) Of the recording or filing fee charged and collected under subsection (1)(b) of this section, five percent shall be credited for the benefit of the county, five percent shall be credited for the benefit of the county clerk for the purposes described in ORS 205.320 (18) and 90 percent shall be deposited and credited to the County Assessment and Taxation Fund created under ORS 294.187.

SECTION 2. ORS 306.815 is amended to read:

306.815. (1) A city, county, district or other political subdivision or municipal corporation of this state *[shall]* **may** not impose, by ordinance or other law, a tax or fee upon the transfer of a fee estate in real property, or measured by the consideration paid or received upon transfer of a fee estate in real property.

(2) A tax or fee upon the transfer of a fee estate in real property does not include any fee or charge that becomes due or payable at the time of transfer of a fee estate in real property, unless that fee or charge is imposed upon the right, privilege or act of transferring title to real property.

(3) Subsection (1) of this section does not apply to any fee established under ORS 203.148.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) Subsection (1) of this section does not apply to any tax if the ordinance or other law im-
2 posing the tax is in effect and operative on March 31, 1997.

3 (5) Subsection (1) of this section does not apply to any tax or fee that is imposed upon the
4 transfer of a fee estate in real property if the fee that is imposed under ORS 205.323, for the re-
5 cording or filing of the instrument conveying the real property being transferred is less than [~~\$11~~
6 **\$17**].

7 **SECTION 3. The amendments to ORS 205.323 and 306.815 by sections 1 and 2 of this 2009**
8 **Act apply to instruments recorded or filed on or after the effective date of this 2009 Act.**

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