

D R A F T

SUMMARY

Digest: The Act would raise certain fees charged by county clerks. (Flesch Readability Score: 95.1).

Raises certain fees charged by county clerks.

A BILL FOR AN ACT

Relating to fees charged by county clerks; amending ORS 205.320 and 205.327.

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

SECTION 1. ORS 205.320 is amended to read:

205.320. (1) In every county there shall be charged and collected in advance by the county clerk, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(a) For filing and making entry when required by law of any instrument required or permitted by law to be filed, when it is not recorded, \$5 for each page.

(b) For filing and making entry of the assignment or satisfaction of any filed, but not recorded, instrument, \$5 for each page.

(c) For each official certificate, [~~\$3.75~~] **\$5**.

(d)(A) For recording any instrument required or permitted by law to be recorded, **\$10 for the first page and \$5 for each additional page**[, *but the minimum fee shall not be less than \$5*]. As used in this subparagraph, “page” means one side of a sheet 14 inches, or less, long and 8-1/2 inches, or less, wide.

(B) For supplying to private parties copies of records or files, including by electronic delivery of images, not more than [~~\$3.75~~] **\$5** for locating a re-

1 cord requested by the party and 25 cents for each page. As used in this
2 subparagraph, “page” means one side of a sheet 14 inches, or less, long and
3 8-1/2 inches, or less, wide.

4 (C) For each official certificate, [~~\$3.75~~] **\$5**.

5 (e) For taking an affidavit for and making and issuing a marriage license
6 and registering the return of the license, or for taking an affidavit for and
7 registering a Declaration of Domestic Partnership, [~~\$25~~] **\$35**.

8 (f) For solemnizing a marriage under ORS 106.120, \$117. This paragraph
9 does not require that the county clerk charge a fee for solemnizing a mar-
10 riage after normal working hours or on Saturdays or legal holidays. This
11 paragraph does not prohibit a county clerk from charging and accepting a
12 personal payment for solemnizing a marriage if otherwise authorized by ORS
13 106.120.

14 (g) For taking and certifying acknowledgment or proof of execution of any
15 instrument, the fee established in the schedule adopted by the Secretary of
16 State under ORS 194.400.

17 (h) For issuing any license required by law, other than a marriage or li-
18 quor license, and for which no fee is otherwise provided by law, \$5.

19 (i) For any service the clerk may be required or authorized to perform
20 and for which no fee is provided by law, such fees as may favorably compare
21 with those established by this section for similar services and as may be es-
22 tablished by order or rule of the county court or board of county commis-
23 sioners.

24 (j) For recording any instrument under ORS 205.130 (2), as required by
25 ordinance pursuant to ORS 203.148.

26 (k) In addition to and not in lieu of the fees charged under paragraph (d)
27 of this subsection, for each additional municipal assessment lien recorded
28 under ORS 93.643, \$5.

29 (L) In addition to and not in lieu of the fees charged under paragraph (d)
30 of this subsection, for each additional assignment, release or satisfaction of
31 any recorded instrument, \$5.

1 (m) In addition to and not in lieu of the fees charged under paragraph (d)
2 of this subsection, for each additional transaction described under ORS
3 205.236, \$5.

4 (n) In addition to and not in lieu of the fees charged under paragraph (d)
5 of this subsection, for each additional lien recorded under ORS 311.675, \$5.

6 (o) For preparing and recording the certificate under ORS 517.280, \$20 or
7 such other fee that is established by the county governing body.

8 (p) In addition to and not in lieu of the fees charged under paragraph (d)
9 of this subsection, for each additional claim listed on an affidavit of annual
10 compliance under ORS 517.210, \$5.

11 (q) In addition to and not in lieu of the fees charged under paragraph (d)
12 of this subsection, for each additional name listed on a cooperative contract
13 under ORS 62.360 (2) or for recording the termination of a cooperative con-
14 tract under ORS 62.360 (4), \$5.

15 (2) Notwithstanding any other law, five percent of any fee or tax that is
16 not collected for the benefit of the county clerk shall be deducted from the
17 fee or tax. The moneys deducted shall be expended for acquiring storage and
18 retrieval systems, payment of expenses incurred in collecting the fee or tax
19 and maintaining and restoring records as authorized by the county clerk.
20 Moneys collected under this subsection shall be deposited in a county clerk
21 records fund established by the county governing body. No moneys shall be
22 deducted under this subsection from:

23 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.

24 (b) Fees collected for conciliation services under ORS 107.615.

25 (c) Real estate transfer taxes enacted prior to January 1, 1998.

26 (d) Fees collected under ORS 205.323 for the Oregon Land Information
27 System Fund.

28 (e) Fees collected under ORS 205.323 (1)(c) for the housing-related pro-
29 grams listed in ORS 294.187 (2)(b).

30 **SECTION 2.** ORS 205.327 is amended to read:

31 205.327. When an instrument required or permitted by law to be recorded

1 is presented to a county clerk for recording, if the instrument does not
2 comply with the requirements of ORS 205.232 or 205.234, the county clerk
3 shall record the instrument, but shall charge and collect in advance a pen-
4 alty of [~~\$20~~] **\$30**. The penalty authorized and collected under this section is
5 in addition to and not in lieu of the fees charged under ORS 205.320 for re-
6 cording the instrument.

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