

House Bill 3383

Sponsored by COMMITTEE ON RULES (at the request of Oregon Association of County Clerks)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

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

1
2 Relating to fees charged by county clerks; amending ORS 205.320 and 205.327.

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

4 **SECTION 1.** ORS 205.320 is amended to read:

5 205.320. (1) In every county there shall be charged and collected in advance by the county clerk,
6 for the benefit of the county, the following fees, and no more, for the following purposes and ser-
7 vices:

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

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

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

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

17 (B) For supplying to private parties copies of records or files, including by electronic delivery
18 of images, not more than [~~\$3.75~~] **\$5** for locating a record requested by the party and 25 cents for
19 each page. As used in this subparagraph, "page" means one side of a sheet 14 inches, or less, long
20 and 8-1/2 inches, or less, wide.

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

22 (e) For taking an affidavit for and making and issuing a marriage license and registering the
23 return of the license, or for taking an affidavit for and registering a Declaration of Domestic Part-
24 nership, [~~\$25~~] **\$35**.

25 (f) For solemnizing a marriage under ORS 106.120, \$117. This paragraph does not require that
26 the county clerk charge a fee for solemnizing a marriage after normal working hours or on Satur-
27 days or legal holidays. This paragraph does not prohibit a county clerk from charging and accepting
28 a personal payment for solemnizing a marriage if otherwise authorized by ORS 106.120.

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

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

3 (i) For any service the clerk may be required or authorized to perform and for which no fee is
 4 provided by law, such fees as may favorably compare with those established by this section for
 5 similar services and as may be established by order or rule of the county court or board of county
 6 commissioners.

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

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

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

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

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

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

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

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

24 (2) Notwithstanding any other law, five percent of any fee or tax that is not collected for the
 25 benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be
 26 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the
 27 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-
 28 lected under this subsection shall be deposited in a county clerk records fund established by the
 29 county governing body. No moneys shall be deducted under this subsection from:

- 30 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.
- 31 (b) Fees collected for conciliation services under ORS 107.615.
- 32 (c) Real estate transfer taxes enacted prior to January 1, 1998.
- 33 (d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.
- 34 (e) Fees collected under ORS 205.323 (1)(c) for the housing-related programs listed in ORS
 35 294.187 (2)(b).

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

37 205.327. When an instrument required or permitted by law to be recorded is presented to a
 38 county clerk for recording, if the instrument does not comply with the requirements of ORS 205.232
 39 or 205.234, the county clerk shall record the instrument, but shall charge and collect in advance a
 40 penalty of [~~\$20~~] **\$30**. The penalty authorized and collected under this section is in addition to and
 41 not in lieu of the fees charged under ORS 205.320 for recording the instrument.