



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

Senate: GOV DP 7-0-0-0 | 3rd Read 28-0-2-0

House: GE DP 13-0-0-0 | 3rd Read 57-0-3-0

SB1089: liens; fees; exemption

Sponsor: Senator Shope, LD 8

Transmitted to the Governor

Overview

Prohibits the county recorder from receiving a fee for recording or releasing a restitution lien.

History

County recorders receive fees for performing the following duties: 1) recording papers required or authorized by law to be recorded; 2) recording papers to which the United States, the State of Arizona or a political subdivision is a party; 3) preparing and certifying copies of a record in the recorder's office; and 4) for issuing a certificate pursuant to statute ([A.R.S. § 11-475](#)).

Current statute provides that the county recorder must not receive a fee for performing the duties prescribed by statute for an office, agency or department of the county where the document is to be recorded. The exemption applies only when the fees would otherwise be paid for from public monies ([A.R.S. § 11-475](#)).

The State of Arizona or any person entitled to restitution pursuant to a court order may file a restitution lien. A filing fee, recording fee or any other charge is not required for filing a restitution lien ([A.R.S. § 13-806](#)).

Provisions

1. Prohibits a county recorder from receiving specified fees relating to performing duties or acts necessary to record or release a restitution lien filed pursuant to statute or any lien necessary to enforce a support order. (Sec. 1)
2. Specifies that only an original instrument may be presented to the county recorder for recording. (Sec. 2)
3. Exempts specified persons from providing a recording fee or any other charge when *releasing* a restitution lien. (Sec. 3)
4. Makes technical and conforming changes. (Sec. 1-3)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note