

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1231

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.86-2018, SECTION 337, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The following definitions apply to this section:

(1) "Copy" means:

- (A) transcribing or duplicating a document by handwriting, photocopy, xerography, or duplicating machine;
- (B) duplicating electronically stored data onto a disk, tape, drum, or any other means of electronic data storage; or
- (C) reproducing a document by any other means.

(2) "Mortgage" means a transfer of rights to real property, in a form substantially similar to that set forth in IC 32-29-1-5, with or without warranty from the grantor. The term does not include:

- (A) a mortgage modification;
- (B) a mortgage assignment; or
- (C) a mortgage release.

(3) "Multiple transaction document" means a document containing two (2) or more transactions of the same type.

(4) "Record" or "recording" means the act of placing a document into the official records of the county recorder and includes the functions of filing and filing for record.

(b) The county recorder shall charge and collect the fees prescribed

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by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(c) The county recorder shall charge the following:

(1) Twenty-five dollars (\$25) for recording any deed or other instrument, other than a mortgage.

(2) Fifty-five dollars (\$55) for recording any mortgage.

(3) For pages larger than eight and one-half (8 1/2) inches by fourteen (14) inches twenty-five dollars (\$25) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(4) If the county recorder has elected to attest to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is seven dollars (\$7) plus the amount provided in subdivision (1).

(5) For furnishing copies of records, the fee for each copy is:

(A) one dollar (\$1) per page that is not larger than eleven (11) inches by seventeen (17) inches; and

(B) five dollars (\$5) per page that is larger than eleven (11) inches by seventeen (17) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(8) Twenty-five dollars (\$25) per parcel for recording the release of a lien or liens of a political subdivision for a property sold or transferred under IC 6-1.1-24-6.1 or IC 36-1-11, regardless of the number of liens held by the political subdivision. This fee applies to each political subdivision with a lien or liens on a parcel. In addition to the fee under this subdivision, if a county fiscal body adopts a fee under section 10.7 of this chapter, the county recorder may charge the fee under section 10.7 of this chapter for each document recorded by a political subdivision under this subdivision.



~~(8)~~ **(9)** This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of ten dollars (\$10) for each document the recorder records.

~~(9)~~ **(10)** This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). This subdivision does not apply if the county fiscal body adopts a fee under section 10.7 of this chapter. The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

- (A) two dollars and fifty cents (\$2.50) for the first page; and
- (B) one dollar (\$1) for each additional page;

of each document the recorder records.

(d) This subsection does not apply in a county containing a consolidated city. Section 10.5 of this chapter applies to the deposit of fees collected under subsection (c)(1) **and (c)(8)** in a county containing a consolidated city. The county recorder shall deposit the fees collected under subsection (c)(1) **and (c)(8)** as follows:

- (1) Eight dollars (\$8) in the county general fund.
- (2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
- (3) Ten dollars (\$10) in the county recorder's records perpetuation fund established under subsection (f).
- (4) One dollar (\$1) in the county identification security protection fund established under IC 36-2-7.5-11.
- (5) One dollar (\$1) in the county elected officials training fund under IC 36-2-7-19.

(e) This subsection does not apply in a county containing a consolidated city. Section 10.5 of this chapter applies to the deposit of fees collected under subsection (c)(2) in a county containing a consolidated city. The county recorder shall deposit the fees collected under subsection (c)(2) as follows:

- (1) Thirty-four dollars (\$34) in the county general fund.
- (2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
- (3) Eleven dollars and fifty cents (\$11.50) in the county recorder's records perpetuation fund established under subsection (f).
- (4) Two dollars and fifty cents (\$2.50) with the county treasurer

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to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.

(5) One dollar (\$1) in the county identification security protection fund established under IC 36-2-7.5-11.

(6) One dollar (\$1) in the county elected officials training fund under IC 36-2-7-19.

(f) The county treasurer shall establish a county recorder's records perpetuation fund. The fund consists of all fees collected under this section for deposit in the fund and amounts transferred to the fund from the county identification security protection fund under IC 36-2-7.5-11. Except as provided in section 10.2 of this chapter, the county recorder may use any money in this fund without appropriation for:

(1) the preservation of records; and

(2) the improvement of record keeping systems and equipment; within the control of the county recorder. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(g) The county recorder shall post the fees set forth in subsection (c) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(h) The county recorder may not charge or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(i) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(j) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection ~~(c)(8)~~ **(c)(9)** as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection ~~(c)(8)~~ **(c)(9)** shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the



population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection ~~(c)(8)~~ **(c)(9)** shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(k) This subsection applies to a county described in subsection ~~(c)(9)~~ **(c)(10)**. The county treasurer shall distribute money collected by the county recorder under subsection ~~(c)(9)~~ **(c)(10)** as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection ~~(c)(9)~~ **(c)(10)** shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection ~~(c)(9)~~ **(c)(10)** shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(l) The county recorder may also include a cross-reference or multiple cross-references identified in a document for recording under this section. For cross-references not otherwise required by statute or county ordinance, the person submitting the document for recording shall clearly identify on the front page of the instrument the specific cross-reference or cross-references to be included with the recorded documents.

SECTION 2. IC 36-2-7-10.5, AS AMENDED BY P.L.86-2018, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) This section applies only in a county containing a consolidated city.

(b) The county recorder shall deposit the fees collected under section 10(c)(1) **and 10(c)(8)** of this chapter as follows:

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- (1) Nine dollars (\$9) in the county general fund.
- (2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
- (3) Ten dollars (\$10) in the county recorder's records perpetuation fund established under section 10(f) of this chapter.
- (4) Fifty cents (\$0.50) in the county identification security protection fund established under IC 36-2-7.5-11.
- (5) Fifty cents (\$0.50) in the county elected officials training fund under IC 36-2-7-19.

(c) The county recorder shall deposit the fees collected under section 10(c)(2) of this chapter as follows:

- (1) Thirty-five dollars (\$35) in the county general fund.
- (2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).
- (3) Eleven dollars and fifty cents (\$11.50) in the county recorder's records perpetuation fund established under section 10(f) of this chapter.
- (4) Two dollars and fifty cents (\$2.50) with the county treasurer to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.
- (5) Fifty cents (\$0.50) in the county identification security protection fund established under IC 36-2-7.5-11.
- (6) Fifty cents (\$0.50) in the county elected officials training fund under IC 36-2-7-19.

SECTION 3. IC 36-2-7-10.7, AS ADDED BY P.L.127-2017, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.7. (a) This section applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e).

(b) The county fiscal body may adopt an ordinance authorizing the county recorder to charge a fee of ten dollars (\$10) for each document the recorder records.

(c) If the county fiscal body adopts an ordinance under this section, the following do not apply:

- (1) Section ~~10(c)(9)~~ **10(c)(10)** of this chapter.
- (2) Section 10(k) of this chapter.

(d) All money collected by the county recorder under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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