

# HOUSE BILL No. 1295

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-2-7.

**Synopsis:** Deed recording fees. Increases the deed recording fee collected by county recorders from \$5 to \$13. Distributes the deed recording fee as follows: \$10 to the county surveyor's corner perpetuation fund; \$2 to the recorder's record perpetuation fund; and \$1 to the county elected officials training fund.

**Effective:** July 1, 2014.

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January 15, 2014, read first time and referred to Committee on Local Government.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1295

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.13-2013,  
2 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) The county recorder shall  
4 tax and collect the fees prescribed by this section for recording, filing,  
5 copying, and other services the recorder renders, and shall pay them  
6 into the county treasury at the end of each calendar month. The fees  
7 prescribed and collected under this section supersede all other  
8 recording fees required by law to be charged for services rendered by  
9 the county recorder.  
10 (b) The county recorder shall charge the following:  
11 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each  
12 additional page of any document the recorder records if the pages  
13 are not larger than eight and one-half (8 1/2) inches by fourteen  
14 (14) inches.  
15 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for  
16 each additional page of any document the recorder records, if the



- 1 pages are larger than eight and one-half (8 1/2) inches by fourteen  
 2 (14) inches.
- 3 (3) For attesting to the release, partial release, or assignment of  
 4 any mortgage, judgment, lien, or oil and gas lease contained on a  
 5 multiple transaction document, the fee for each transaction after  
 6 the first is the amount provided in subdivision (1) plus the amount  
 7 provided in subdivision (4) and one dollar (\$1) for marginal  
 8 mortgage assignments or marginal mortgage releases.
- 9 (4) One dollar (\$1) for each cross-reference of a recorded  
 10 document.
- 11 (5) One dollar (\$1) per page not larger than eight and one-half  
 12 (8 1/2) inches by fourteen (14) inches for furnishing copies of  
 13 records and two dollars (\$2) per page that is larger than eight and  
 14 one-half (8 1/2) inches by fourteen (14) inches.
- 15 (6) Five dollars (\$5) for acknowledging or certifying to a  
 16 document.
- 17 (7) ~~Five dollars (\$5)~~ **Thirteen dollars (\$13)** for each deed the  
 18 recorder records, in addition to other fees for deeds, ~~for the county~~  
 19 ~~surveyor's corner perpetuation fund for use as provided in~~  
 20 ~~IC 21-47-3-3 or IC 36-2-12-11(e)~~; **distributed as follows:**
- 21 **(A) Ten dollars (\$10) is to be deposited in the county**  
 22 **surveyor's corner perpetuation fund for use as provided in**  
 23 **IC 21-47-3-3 or IC 36-2-12-11(e).**
- 24 **(B) Two dollars (\$2) is to be deposited in the recorder's**  
 25 **record perpetuation fund.**
- 26 **(C) One dollar (\$1) is to be deposited in the county elected**  
 27 **officials training fund established under section 19 of this**  
 28 **chapter.**
- 29 (8) A fee in an amount authorized under IC 5-14-3-8 for  
 30 transmitting a copy of a document by facsimile machine.
- 31 (9) A fee in an amount authorized by an ordinance adopted by the  
 32 county legislative body for duplicating a computer tape, a  
 33 computer disk, an optical disk, microfilm, or similar media. This  
 34 fee may not cover making a handwritten copy or a photocopy or  
 35 using xerography or a duplicating machine.
- 36 (10) A supplemental fee of three dollars (\$3) for recording a  
 37 document that is paid at the time of recording. The fee under this  
 38 subdivision is in addition to other fees provided by law for  
 39 recording a document.
- 40 (11) Three dollars (\$3) for each mortgage on real estate recorded,  
 41 in addition to other fees required by this section, distributed as  
 42 follows:



- 1 (A) Fifty cents (\$0.50) is to be deposited in the recorder's  
 2 record perpetuation fund.
- 3 (B) Two dollars and fifty cents (\$2.50) is to be distributed to  
 4 the auditor of state on or before June 20 and December 20 of  
 5 each year as provided in IC 24-9-9-3.
- 6 (12) This subdivision applies in a county only if at least one (1)  
 7 unit in the county has established an affordable housing fund  
 8 under IC 5-20-5-15.5 and the county fiscal body adopts an  
 9 ordinance authorizing the fee described in this subdivision. An  
 10 ordinance adopted under this subdivision may authorize the  
 11 county recorder to charge a fee of:
- 12 (A) two dollars and fifty cents (\$2.50) for the first page; and  
 13 (B) one dollar (\$1) for each additional page;  
 14 of each document the recorder records.
- 15 (13) This subdivision applies in a county containing a  
 16 consolidated city that has established a housing trust fund under  
 17 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an  
 18 ordinance authorizing the fee described in this subdivision. An  
 19 ordinance adopted under this subdivision may authorize the  
 20 county recorder to charge a fee of:
- 21 (A) two dollars and fifty cents (\$2.50) for the first page; and  
 22 (B) one dollar (\$1) for each additional page;  
 23 of each document the recorder records.
- 24 (c) The county recorder shall charge a two dollar (\$2) county  
 25 identification security protection fee for recording or filing a document.  
 26 This fee shall be deposited under IC 36-2-7.5-6.
- 27 (d) The county treasurer shall establish a recorder's records  
 28 perpetuation fund. All revenue received under section 10.1 of this  
 29 chapter, subsection (b)(5), **(b)(7)(B)**, (b)(8), (b)(9), and (b)(10), and  
 30 IC 36-2-7.5-6(b)(1), and fifty cents (\$0.50) from revenue received  
 31 under subsection (b)(11), shall be deposited in this fund. The county  
 32 recorder may use any money in this fund without appropriation for the  
 33 preservation of records and the improvement of record keeping systems  
 34 and equipment. Money from the fund may not be deposited or  
 35 transferred into the county general fund and does not revert to the  
 36 county general fund at the end of a fiscal year.
- 37 (e) As used in this section, "record" or "recording" includes the  
 38 functions of recording, filing, and filing for record.
- 39 (f) The county recorder shall post the fees set forth in subsection (b)  
 40 in a prominent place within the county recorder's office where the fee  
 41 schedule will be readily accessible to the public.
- 42 (g) The county recorder may not tax or collect any fee for:



- 1 (1) recording an official bond of a public officer, a deputy, an  
 2 appointee, or an employee; or  
 3 (2) performing any service under any of the following:  
 4 (A) IC 6-1.1-22-2(c).  
 5 (B) IC 8-23-7.  
 6 (C) IC 8-23-23.  
 7 (D) IC 10-17-2-3.  
 8 (E) IC 10-17-3-2.  
 9 (F) IC 12-14-13.  
 10 (G) IC 12-14-16.
- 11 (h) The state and its agencies and instrumentalities are required to  
 12 pay the recording fees and charges that this section prescribes.
- 13 (i) This subsection applies to a county other than a county  
 14 containing a consolidated city. The county treasurer shall distribute  
 15 money collected by the county recorder under subsection (b)(12) as  
 16 follows:  
 17 (1) Sixty percent (60%) of the money collected by the county  
 18 recorder under subsection (b)(12) shall be distributed to the units  
 19 in the county that have established an affordable housing fund  
 20 under IC 5-20-5-15.5 for deposit in the fund. The amount to be  
 21 distributed to a unit is the amount available for distribution  
 22 multiplied by a fraction. The numerator of the fraction is the  
 23 population of the unit. The denominator of the fraction is the  
 24 population of all units in the county that have established an  
 25 affordable housing fund. The population to be used for a county  
 26 that establishes an affordable housing fund is the population of  
 27 the county outside any city or town that has established an  
 28 affordable housing fund.  
 29 (2) Forty percent (40%) of the money collected by the county  
 30 recorder under subsection (b)(12) shall be distributed to the  
 31 treasurer of state for deposit in the affordable housing and  
 32 community development fund established under IC 5-20-4-7 for  
 33 the purposes of the fund.  
 34 Money shall be distributed under this subsection before the sixteenth  
 35 day of the month following the month in which the money is collected  
 36 from the county recorder.
- 37 (j) This subsection applies to a county described in subsection  
 38 (b)(13). The county treasurer shall distribute money collected by the  
 39 county recorder under subsection (b)(13) as follows:  
 40 (1) Sixty percent (60%) of the money collected by the county  
 41 recorder under subsection (b)(13) shall be deposited in the  
 42 housing trust fund established under IC 36-7-15.1-35.5(e) for the



1 purposes of the fund.

2 (2) Forty percent (40%) of the money collected by the county  
3 recorder under subsection (b)(13) shall be distributed to the  
4 treasurer of state for deposit in the affordable housing and  
5 community development fund established under IC 5-20-4-7 for  
6 the purposes of the fund.

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

10 SECTION 2. IC 36-2-7-19, AS AMENDED BY P.L.279-2013,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2014]: Sec. 19. (a) As used in this section, "fund" refers to a  
13 county elected officials training fund established under subsection (b).

14 (b) Each county legislative body shall before July 1, 2011, establish  
15 a county elected officials training fund to supplement appropriations  
16 that may come from the county general fund to provide training of  
17 elected officials. The county fiscal body shall appropriate money from  
18 the fund.

19 (c) The fund consists of money deposited under **section 10(b)(7)(C)**  
20 **of this chapter**, IC 36-2-7.5-6(b)(3), and any other sources required or  
21 permitted by law. Money in the fund does not revert to the county  
22 general fund.

23 (d) Money in the fund shall be used solely to provide training of  
24 county elected officials required by IC 33-32-2-9, IC 36-2-9-2.5,  
25 IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, and IC 36-2-12-2.5.

