

COUNTY RECORDER AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

LONG TITLE

General Description:

This bill amends provisions that establish certain county recorder fees and modifies provisions that define certain prohibited acts by a county recorder.

Highlighted Provisions:

This bill:

- ▶ changes certain county recorder fees;
- ▶ provides that placing endorsements, references, or other notes on an instrument of record is not a prohibited act; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-21-17, as last amended by Chapter 191, Laws of Utah 2002

17-21-18.5, as last amended by Chapter 211, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-21-17** is amended to read:

17-21-17. Prohibited acts.



28 (1) Upon acceptance of an instrument entitled to be recorded, the recorder may not:
29 (a) record the instrument in any manner other than the manner required by this chapter;

30 or

31 (b) alter, change, obliterate, or insert any new matter in ~~any~~ an instrument of record.

32 (2) It is not a prohibited act under this section when a recorder:

33 (a) denies access to:

34 ~~(a)~~ (i) an instrument of record that has been classified as private under Section
35 63-2-302; or

36 ~~(b)~~ (ii) a portion of an instrument of record that has been classified as private under
37 Section 63-2-302[-]; or

38 (b) places endorsements, references, or other notes on an instrument of record.

39 Section 2. Section **17-21-18.5** is amended to read:

40 **17-21-18.5. Fees of county recorder.**

41 (1) The county recorder shall receive the following fees:

42 (a) for receiving, entering, and filing any instrument, paper, or notice, not otherwise
43 provided for, other than bonds of public officers, ~~[\$10]~~ \$15;

44 (b) for recording any instrument, paper, or notice, including those provided for under
45 Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise
46 provided for, ~~[\$10]~~ \$15 for the first page, if the page is not larger than 8-1/2 inches x 14 inches
47 in size, and \$2 for each additional page, and if any instrument, paper, or notice contains more
48 than one description, \$1 for each additional description;

49 (c) for recording any instrument in which a right-of-way is described, which is
50 connected with or is appurtenant to any tract of land described in the instrument, \$1, but if the
51 instrument contains a description of more than one right-of-way, \$1 for each additional
52 right-of-way, and if any instrument contains more than two names for either first or second
53 party, or plaintiffs or defendants, for each additional name, \$1;

54 (d) for recording, indexing, and abstracting mining location notices, and recording,
55 indexing, and abstracting affidavits of labor affecting mining claims, ~~[\$10]~~ \$15 for the first
56 page if that page is not larger than 8-1/2 inches by 14 inches in size, and \$2 for each additional
57 page; and

58 (e) for a location notice, affidavit, or proof of labor which contains names of more than

59 two signers, \$1 for each additional name, and for an affidavit or proof of labor which contains
60 more than one mining claim, \$1 for each additional mining claim.

61 (2) (a) Each county recorder shall record the mining rules of the several mining
62 districts in each county without fee.

63 (b) Certified copies of these records shall be received in all tribunals and before all
64 officers of this state as prima facie evidence of the rules.

65 (3) The county recorder shall receive the following fees:

66 (a) for copies of any record or document, a reasonable fee as determined by the county
67 legislative body;

68 (b) for each certificate under seal, \$5;

69 (c) for recording any plat [~~of a subdivision into lots~~], \$50 for each sheet and [~~blocks,~~
70 ~~\$1~~] \$2 for each lot[~~, and \$30 for each sheet~~] or unit designation;

71 [~~(d) for recording any other plat or map, \$30 for each sheet and \$1 for each lot or unit~~
72 ~~designation;~~]

73 [~~(e)~~] (d) for taking and certifying acknowledgments, including seal, \$5 for one name
74 and \$2 for each additional name;

75 [~~(f)~~] (e) for recording any license issued by the Division of Occupational and
76 Professional Licensing, [~~\$10~~] \$15; and

77 [~~(g)~~] (f) for filing of federal tax lien, [~~\$10~~] \$15, and for the discharge of the lien, [~~\$10~~]
78 \$15.

79 (4) The county may determine and collect a fee for all services not enumerated in this
80 section.

81 (5) A county recorder may not be required to collect a fee for services that are
82 unrelated to the county recorder's office.

Legislative Review Note
as of 1-19-04 3:13 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0116

County Recorder Amendments

27-Jan-04

2:05 PM

State Impact

Passage of this bill could increase local revenues by \$4,500,000 annually.

Individual and Business Impact

Individuals and businesses will see increases in recording fees.

Office of the Legislative Fiscal Analyst