

28 AMENDS:

29 **17-21-18.5**, as last amended by Laws of Utah 2014, Chapter 89

30 **17-21-20**, as last amended by Laws of Utah 2014, Chapter 89

31

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

33 Section 1. Section **17-21-18.5** is amended to read:

34 **17-21-18.5. Fees of county recorder.**

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

36 (a) for recording any instrument, not otherwise provided for, other than bonds of public
37 officers, [~~\$10~~] ~~\$~~→ ~~[\$45]~~ \$40 ←~~\$~~ ;

38 (b) for recording any instrument, including those provided for under Title 70A,
39 Uniform Commercial Code, other than bonds of public officers, and not otherwise provided
40 for, [~~\$10 for the first page and \$2 for each additional page~~] ~~\$~~→ ~~[\$45]~~ \$40 ←~~\$~~ , and if an instrument
40a contains

41 more than [~~one description, \$1~~] 10 descriptions, \$2 for each additional description;

42 [~~(c) for recording a right-of-way connected with or appurtenant to any tract of land~~
43 ~~described in the instrument, \$1, but if the instrument contains a description of more than one~~
44 ~~right-of-way, \$1 for each additional right-of-way, and if an instrument contains more than two~~
45 ~~names for either the first or second party, or the plaintiffs or defendants, \$1 for each additional~~
46 ~~name;~~]

47 [~~(d)~~] (c) for recording mining location notices and affidavits of labor affecting mining
48 claims, [~~\$10 for the first page and \$2 for each additional page~~] ~~\$~~→ ~~[\$45]~~ \$40 ←~~\$~~ ; and

49 [~~(e)~~] (d) [~~for a location notice, affidavit, or proof of labor which contains names of~~
50 ~~more than two signers, \$1 for each additional name, and~~] for an affidavit or proof of labor
51 which contains more than [~~one~~] 10 mining [~~claim, \$1~~] claims, \$2 for each additional mining
52 claim.

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

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

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

58 (a) for copies of any record or document, a reasonable fee as determined by the county

59 legislative body;

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

61 (c) for recording any plat, [~~\$30~~] \$50 for each sheet and [~~\$1~~] \$2 for each lot or unit

62 designation;

63 (d) for taking and certifying acknowledgments, including seal, \$5 for one name and \$2

64 for each additional name;

65 (e) for recording any license issued by the Division of Occupational and Professional

66 Licensing, [~~\$10~~] ~~\$~~→ \$45 \$40 ←~~\$~~ ; and

67 (f) for recording a federal tax lien, [~~\$10~~] ~~\$~~→ \$45 \$40 ←~~\$~~ , and for the discharge of the

67a lien, [~~\$10~~]

68 ~~\$~~→ \$45 \$40 ←~~\$~~ .

68a ~~H~~→ **(4) A county recorder may not charge more than one recording fee for each instrument,**

68b **regardless of whether the instrument bears multiple descriptive titles or includes one or more**

68c **attachments as part of the instrument.**

68d **(5) By January 1, 2022, each county shall accept and provide for electronic recording of**

68e **instruments.** ←~~H~~

69 [~~(4)(a) For recording a document that is subject to and complies with the Real Estate~~

70 ~~Settlement and Procedure Act, 12 U.S.C. Sec. 2601 et seq. for a residential property~~

71 ~~constructed for at least one family but no more than four families, the county recorder shall~~

72 ~~receive:]~~

73 [~~(i) \$14 for each deed of conveyance;]~~

74 [~~(ii) \$40 for each deed of trust; and]~~

75 [~~(iii) \$14 for each assignment of a deed of trust when recorded concurrently with the~~

76 ~~assigned deed of trust.]~~

77 [~~(b) If a person submits for recording a document described in Subsection (4)(a), the~~

78 ~~person shall notify the county recorder by including the word "RESPA" in at least 16 point font~~

79 ~~on the front page of each document.]~~

80 [~~(c) A county recorder is not required to:]~~

81 [~~(i) refund a fee described in Subsection (4)(a); or]~~

82 [~~(ii) change a fee amount shown on a recorded document if the fee described in~~

83 ~~Subsection (4)(a) is not collected at the time of recording.]~~

84 [~~(d) A county recorder may examine a document recorded under this Subsection (4) for~~

85 ~~compliance with the Real Estate Settlement and Procedure Act, 12 U.S.C. Sec. 2601 et seq.]~~

86 [~~(5) In addition to any other fee that the county recorder is authorized to charge and~~

87 ~~collect, if a county recorder is required to comply with the standards established under Chapter~~

88 ~~21a, Uniform Real Property Electronic Recording Act, the county recorder may charge and~~

89 ~~collect from a person who submits an electronic document, as defined in Section ~~17-21a-102;~~~~

90 for recording, a surcharge that:]

91 [(a) is calculated to recover the additional costs of complying with Chapter 21a,
92 Uniform Real Property Electronic Recording Act; and]

93 [(b) may not exceed 10% of the cost before the surcharge.]

94 **H→** [f] (6) [~~(4)~~] **←H** The county may determine and collect a fee for all services not
94a enumerated in
95 this section.

96 **H→** [f] (7) [~~(5)~~] **←H** A county recorder may not be required to collect a fee for services
96a that are
97 unrelated to the county recorder's office.

98 Section 2. Section 17-21-20 is amended to read:

99 **17-21-20. Recording required -- Recorder may impose requirements on**
100 **documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents**
101 **-- Recorder may require tax serial number -- Exceptions -- Requirements for recording**
102 **final local entity plat.**

103 (1) Subject to Subsections (2), (3), and (4), a county recorder shall record each paper,
104 notice, and instrument required by law to be recorded in the office of the county recorder [~~shall~~
105 ~~be recorded~~] unless otherwise provided.

106 (2) Subject to Chapter 21a, Uniform Real Property Electronic Recording Act, each
107 document that is submitted for recording to a county recorder's office shall:

108 (a) unless otherwise provided by law, be an original or certified copy of the document;

109 (b) be in English or be accompanied by an accurate English translation of the
110 document;

111 (c) contain a brief title, heading, or caption on the first page stating the nature of the
112 document;

113 (d) except as otherwise provided by statute, contain the legal description of the
114 property that is the subject of the document;

115 (e) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1)
116 and (2);

117 (f) except as otherwise provided by statute, be notarized with the notary stamp with the
118 seal legible; and

119 (g) have original signatures.

120 (3) (a) Subject to Chapter 21a, Uniform Real Property Electronic Recording Act, a