

HOUSE BILL No. 1075

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-9-9; IC 36-2-7-10.

Synopsis: Mortgage recording fee. Increases from \$3 to \$8 the fee to be collected for each mortgage on real estate that is recorded. Requires the \$5 increase to be deposited in the county surveyor's corner perpetuation fund.

Effective: July 1, 2015.

Morrison

January 6, 2015, read first time and referred to Committee on Local Government.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1075

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 24-9-9-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: Sec. 1. The county recorder shall assess
3 a fee of ~~three dollars (\$3)~~ **eight dollars (\$8)** under IC 36-2-7-10(b)(11)
4 for each mortgage recorded. The fee shall be paid to the county
5 treasurer at the end of each calendar month as provided in
6 IC 36-2-7-10(a).

7 SECTION 2. IC 24-9-9-2.1 IS ADDED TO THE INDIANA CODE
8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2015]: **Sec. 2.1. The county auditor shall credit five dollars (\$5)**
10 **of the fee collected under IC 36-2-7-10(b)(11) for each mortgage**
11 **recorded to the county surveyor's corner perpetuation fund.**

12 SECTION 3. IC 36-2-7-10, AS AMENDED BY P.L.125-2014,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2015]: Sec. 10. (a) The county recorder shall tax and collect
15 the fees prescribed by this section for recording, filing, copying, and



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

5 (b) The county recorder shall charge the following:

6 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
7 additional page of any document the recorder records if the pages
8 are not larger than eight and one-half (8 1/2) inches by fourteen
9 (14) inches.

10 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
11 each additional page of any document the recorder records, if the
12 pages are larger than eight and one-half (8 1/2) inches by fourteen
13 (14) inches.

14 (3) For attesting to the release, partial release, or assignment of
15 any mortgage, judgment, lien, or oil and gas lease contained on a
16 multiple transaction document, the fee for each transaction after
17 the first is the amount provided in subdivision (1) plus the amount
18 provided in subdivision (4) and one dollar (\$1) for marginal
19 mortgage assignments or marginal mortgage releases.

20 (4) One dollar (\$1) for each cross-reference of a recorded
21 document.

22 (5) One dollar (\$1) per page not larger than eight and one-half
23 (8 1/2) inches by fourteen (14) inches for furnishing copies of
24 records and two dollars (\$2) per page that is larger than eight and
25 one-half (8 1/2) inches by fourteen (14) inches.

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

28 (7) Five dollars (\$5) for each deed the recorder records, in
29 addition to other fees for deeds, for the county surveyor's corner
30 perpetuation fund for use as provided in IC 21-47-3-3 or
31 IC 36-2-12-11(e).

32 (8) A fee in an amount authorized under IC 5-14-3-8 for
33 transmitting a copy of a document by facsimile machine.

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

39 (10) A supplemental fee of three dollars (\$3) for recording a
40 document that is paid at the time of recording. The fee under this
41 subdivision is in addition to other fees provided by law for
42 recording a document.



1 (11) ~~Three dollars (\$3)~~ **Eight dollars (\$8)** for each mortgage on
 2 real estate recorded, in addition to other fees required by this
 3 section, distributed as follows:

4 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
 5 record perpetuation fund.

6 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
 7 the auditor of state on or before June 20 and December 20 of
 8 each year as provided in IC 24-9-9-3.

9 **(C) Five dollars (\$5) is to be deposited in the county
 10 surveyor's corner perpetuation fund.**

11 (12) This subdivision applies in a county only if at least one (1)
 12 unit in the county has established an affordable housing fund
 13 under IC 5-20-5-15.5 and the county fiscal body adopts an
 14 ordinance authorizing the fee described in this subdivision. An
 15 ordinance adopted under this subdivision may authorize the
 16 county recorder to charge a fee of:

17 (A) two dollars and fifty cents (\$2.50) for the first page; and

18 (B) one dollar (\$1) for each additional page;

19 of each document the recorder records.

20 (13) This subdivision applies in a county containing a
 21 consolidated city that has established a housing trust fund under
 22 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
 23 ordinance authorizing the fee described in this subdivision. An
 24 ordinance adopted under this subdivision may authorize the
 25 county recorder to charge a fee of:

26 (A) two dollars and fifty cents (\$2.50) for the first page; and

27 (B) one dollar (\$1) for each additional page;

28 of each document the recorder records.

29 (c) The county recorder shall charge a two dollar (\$2) county
 30 identification security protection fee for recording or filing a document.
 31 This fee shall be deposited under IC 36-2-7.5-6.

32 (d) The county treasurer shall establish a recorder's records
 33 perpetuation fund. All revenue received under section 10.1 of this
 34 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
 35 IC 36-2-7.5-6(b)(1), and fifty cents (\$0.50) from revenue received
 36 under subsection (b)(11), shall be deposited in this fund. Except as
 37 provided in section 10.2 of this chapter, the county recorder may use
 38 any money in this fund without appropriation for:

39 (1) the preservation of records; and

40 (2) the improvement of record keeping systems and equipment;
 41 within the control of the county recorder. Money from the fund may not
 42 be deposited or transferred into the county general fund and does not



- 1 revert to the county general fund at the end of a fiscal year.
- 2 (e) As used in this section, "record" or "recording" includes the
3 functions of recording, filing, and filing for record.
- 4 (f) The county recorder shall post the fees set forth in subsection (b)
5 in a prominent place within the county recorder's office where the fee
6 schedule will be readily accessible to the public.
- 7 (g) The county recorder may not tax or collect any fee for:
- 8 (1) recording an official bond of a public officer, a deputy, an
9 appointee, or an employee; or
- 10 (2) performing any service under any of the following:
- 11 (A) IC 6-1.1-22-2(c).
- 12 (B) IC 8-23-7.
- 13 (C) IC 8-23-23.
- 14 (D) IC 10-17-2-3.
- 15 (E) IC 10-17-3-2.
- 16 (F) IC 12-14-13.
- 17 (G) IC 12-14-16.
- 18 (h) The state and its agencies and instrumentalities are required to
19 pay the recording fees and charges that this section prescribes.
- 20 (i) This subsection applies to a county other than a county
21 containing a consolidated city. The county treasurer shall distribute
22 money collected by the county recorder under subsection (b)(12) as
23 follows:
- 24 (1) Sixty percent (60%) of the money collected by the county
25 recorder under subsection (b)(12) shall be distributed to the units
26 in the county that have established an affordable housing fund
27 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
28 distributed to a unit is the amount available for distribution
29 multiplied by a fraction. The numerator of the fraction is the
30 population of the unit. The denominator of the fraction is the
31 population of all units in the county that have established an
32 affordable housing fund. The population to be used for a county
33 that establishes an affordable housing fund is the population of
34 the county outside any city or town that has established an
35 affordable housing fund.
- 36 (2) Forty percent (40%) of the money collected by the county
37 recorder under subsection (b)(12) shall be distributed to the
38 treasurer of state for deposit in the affordable housing and
39 community development fund established under IC 5-20-4-7 for
40 the purposes of the fund.
- 41 Money shall be distributed under this subsection before the sixteenth
42 day of the month following the month in which the money is collected



1 from the county recorder.
2 (j) This subsection applies to a county described in subsection
3 (b)(13). The county treasurer shall distribute money collected by the
4 county recorder under subsection (b)(13) as follows:
5 (1) Sixty percent (60%) of the money collected by the county
6 recorder under subsection (b)(13) shall be deposited in the
7 housing trust fund established under IC 36-7-15.1-35.5(e) for the
8 purposes of the fund.
9 (2) Forty percent (40%) of the money collected by the county
10 recorder under subsection (b)(13) shall be distributed to the
11 treasurer of state for deposit in the affordable housing and
12 community development fund established under IC 5-20-4-7 for
13 the purposes of the fund.
14 Money shall be distributed under this subsection before the sixteenth
15 day of the month following the month in which the money is collected
16 from the county recorder.

