

ENROLLED

Senate Bill No. 528

(By SENATORS LAIRD, STOLLINGS, UNGER,

HELMICK AND GREEN)

[Passed April 10, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to certain fees collected by clerks of the county commission; creating a new recording fee for the recording of certain trustee's reports of sale; and providing for the distribution of certain fees paid to the clerk of the county commission for recording of certain documents.

Be it enacted by the Legislature of West Virginia:

That §59-1-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-10. Fees to be charged by clerk of county commission.

For the purpose of this section, the word "page" is defined as being a paper or electronic writing of not more than legal size, 8 1/2" x 14".

The clerk of the county commission shall charge and collect

the following fees:

(a) When a writing is admitted to record, for receiving proof of acknowledgment thereof, entering an order in connection therewith, endorsing clerk's certificate of recordation thereon and indexing in a proper index, where the writing is a:

(1) Deed of conveyance (with or without a plat), trust deed, fixture filing or security agreement concerning real estate lease, \$15.

(2) Trustee's report of sale for any property for which additional information and filing requirements are required by section eight-a, article one, chapter thirty-eight of this code, \$40, provided that \$20 of each recording fee received pursuant to this subdivision shall be deposited into the county's general revenue fund and \$20 of each of the aforesaid recording fees shall be paid by the county clerk to the State Treasurer quarterly and deposited in the Banking Commissioner's fund to cover its expenses in aggregating, collecting and publishing the data.

(3) Financing, continuation, termination or other statement or writing permitted to be filed under chapter forty-six of this code, \$10.

(4) Plat or map (with no deed of conveyance), \$10.

(5) Service discharge record, no charge.

(6) Any document or writing other than those referenced in subdivisions (1), (2), (3), (4) and (5) of this subsection, \$10.

(7) If any document or writing contains more than five pages, for each additional page, \$1.

For any of the documents admitted to record pursuant to this subsection, if the clerk of the county commission has the technology available to receive these documents in electronic form or other media, the clerk shall set a reasonable fee to record these writings not to exceed the cost for filing paper documents.

(8) Of the fees collected pursuant to subdivision (1), subsection (a) of this section, \$10 shall be deposited in the county general fund in accordance with section twenty-eight of this article and \$1 shall be deposited in the county general fund and dedicated to the operation of the county clerk's office. Four dollars of the fees collected pursuant to subdivision (1), subsection (a) of this section and \$5 of the fees collected pursuant to subdivision (6), subsection (a) of this section shall be paid by the county clerk into the State Treasury and deposited in equal amounts for deposit into the Farmland Protection Fund created in article twelve, chapter eight-a of this code for the benefit of the West Virginia Agricultural Land Protection Authority and into the Outdoor Heritage Conservation Fund created in article two-g, chapter five-b of this code: *Provided*, That the funds deposited in the State Treasury pursuant to this subdivision may only be used for

costs, excluding personnel costs, associated with purpose of land conservation, as defined in subsection (f), section seven, article two-g, chapter five-b of this code.

(b) For administering any oath other than oaths by officers and employees of the state, political subdivisions of the state or a public or quasi-public entity of the state or a political subdivision of the state, taken in his or her official capacity, \$5.

(c) For issuance of marriage license and other duties pertaining to the marriage license (including preparation of the application, administering the oath, registering and recording the license, mailing acknowledgment of minister's return to one of the licensees and notification to a licensee after sixty days of the nonreceipt of the minister's return), \$35.

(1) One dollar of the marriage license fee received pursuant to this subsection shall be paid by the county clerk into the State Treasury as a state registration fee in the same manner that license taxes are paid into the Treasury under article twelve, chapter eleven of this code;

(2) Fifteen dollars of the marriage license fee received pursuant to this subsection shall be paid by the county clerk into the State Treasury for the Family Protection Shelter Support Act in the same manner that license taxes are paid into the Treasury under article twelve, chapter eleven of this code;

(3) Ten dollars of the marriage license fee received

pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code.

(d) (1) For a copy of any writing or document, if it is not otherwise provided for, \$1.50.

(2) If the copy of the writing or document contains more than two pages, for each additional page, \$1.

(3) For annexing the seal of the commission or clerk to any paper, \$1.

(4) For a certified copy of a birth certificate, death certificate or marriage license, \$5.

(e) For copies of any record in electronic form or a medium other than paper, a reasonable fee set by the clerk of the county commission not to exceed the costs associated with document search and duplication.