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HB 4431

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

## House Bill No. 4431

(By Mr. Speaker, Mr. Kiss, and Delegate Staton)



Passed March 11, 2006

In Effect Ninety Days from Passage

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**H. B. 4431**

(BY MR. SPEAKER, MR. KISS, AND DELEGATE STATON)

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AN ACT to amend and reenact §59-1-10 of the Code of West Virginia, 1931, as amended, relating to allowing the clerk of the county commission to set reasonable fees charged for electronic or other medium versions of documents received or duplicated.

*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.**

- 1 For the purpose of this section, the word "page" is defined
- 2 as being a paper or electronic writing of not more than legal
- 3 size, 8 ½" x 14".

4 The clerk of the county commission shall charge and collect  
5 the following fees:

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

10 (1) Deed of conveyance (with or without a  
11 plat), trust deed, fixture filing or security  
12 agreement concerning real estate lease . . . . . \$10.00

13 (2) Financing, continuation, termination or  
14 other statement or writing permitted to be filed  
15 under chapter forty-six of this code . . . . . \$10.00

16 (3) Plat or map (with no deed of conveyance) . . . \$10.00

17 (4) Service discharge record . . . . . No Charge

18 (5) Any document or writing other than those  
19 referenced in subdivisions (1), (2), (3) and (4)  
20 of this subsection . . . . . \$5.00

21 (6) If any document or writing contains more  
22 than five pages, for each additional page . . . . . \$1.00

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

29 (b) For administering any oath other than  
30 oaths by officers and employees of the state,  
31 political subdivisions of the state, or a public

32 or quasi public entity of the state or a political  
33 subdivision of the state, taken in his or her  
34 official capacity ..... \$5.00

35 (c) For issuance of marriage license and  
36 other duties pertaining to the marriage license  
37 (including preparation of the application,  
38 administrating the oath, registering and recording  
39 the license, mailing acknowledgment of minister's  
40 return to one of the licensees and notification to  
41 a licensee after sixty days of the nonreceipt of  
42 the minister's return) ..... \$35.00

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

48 (2) Fifteen dollars of the marriage license fee received  
49 pursuant to this subsection shall be paid by the county clerk into  
50 the State Treasury for the family protection shelter support act  
51 in the same manner that license taxes are paid into the Treasury  
52 under article twelve, chapter eleven of this code;

53 (3) Ten dollars of the marriage license fee received pursu-  
54 ant to this subsection shall be deposited in the courthouse  
55 facilities improvement fund created by section six, article  
56 twenty-six, chapter twenty-nine of this code.

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

59 (2) If the copy of the writing or document contains more  
60 than two pages, for each additional page ..... \$1.00

61       (3) For annexing the seal of the commission  
62 or clerk to any paper . . . . . \$1.00

63       (4) For a certified copy of a birth certificate,  
64 death certificate or marriage license . . . . . \$5.00

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy White  
Chairman Senate Committee

R. Brown  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell E. Hobbes  
Clerk of the Senate

Suzanne B. Buz  
Clerk of the House of Delegates

Carl Ray Tomblin  
President of the Senate

Robert S. Taylor  
Speaker of the House of Delegates

The within is approved this the 4<sup>th</sup>  
day of April, 2006.

[Signature]  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 3 0 2006

Time 2:55 pm