WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4431

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

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Passed March 11, 2006

In Effect Ninety Days from Passage
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COMMITTEE SUBSTITUTE

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H. B. 4431

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

[Passed March 11, 2006; 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 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 as being a paper or electronic writing of not more than legal size, 8 ½" 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 ............ $10.00
2. Financing, continuation, termination or other statement or writing permitted to be filed under chapter forty-six of this code ............... $10.00
3. Plat or map (with no deed of conveyance) . . . $10.00
4. Service discharge record ............... No Charge
5. Any document or writing other than those referenced in subdivisions (1), (2), (3) and (4) of this subsection ............... $5.00
6. If any document or writing contains more than five pages, for each additional page ............ $1.00

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.

(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 .............................. $5.00

(c) For issuance of marriage license and
other duties pertaining to the marriage license
(including preparation of the application,
administrating 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) ......................... $35.00

(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 pursu-
ant 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 ............ $1.00
(3) For annexing the seal of the commission or clerk to any paper $1.00

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

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 4th day of April, 2006.

Governor