

SB 528

FILED

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WEST VIRGINIA LEGISLATURE

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

**SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009**

ENROLLED

Senate Bill No. 528

(BY SENATORS LAIRD, STOLLINGS,
UNGER, HELMICK AND GREEN)

[Passed May 28, 2009; in effect ninety days from passage.]

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[Passed May 28, 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; providing for the distribution of certain fees paid to the clerk of the county commission; and redirecting a portion of funds currently retained by the county clerks to county general revenue.

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
2 defined as being a paper or electronic writing of not more
3 than legal size, 8 1/2" x 14".

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

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

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

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

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

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

28 (5) Service discharge record, no charge.

29 (6) Any document or writing other than those referenced
30 in subdivisions (1), (2), (3), (4) and (5) of this subsection,
31 \$10.

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

34 For any of the documents admitted to record pursuant to
35 this subsection, if the clerk of the county commission has
36 the technology available to receive these documents in
37 electronic form or other media, the clerk shall set a

38 reasonable fee to record these writings not to exceed the
39 cost for filing paper documents.

40 (8) Of the fees collected pursuant to subdivision (1),
41 subsection (a) of this section, \$10 shall be deposited in the
42 county general fund in accordance with section twenty-
43 eight of this article and \$1 shall be deposited in the county
44 general fund and dedicated to the operation of the county
45 clerk's office. Four dollars of the fees collected pursuant
46 to subdivision (1), subsection (a) of this section and \$5 of
47 the fees collected pursuant to subdivision (6), subsection
48 (a) of this section shall be paid by the county clerk into the
49 State Treasury and deposited in equal amounts for deposit
50 into the Farmland Protection Fund created in article
51 twelve, chapter eight-a of this code for the benefit of the
52 West Virginia Agricultural Land Protection Authority and
53 into the Outdoor Heritage Conservation Fund created in
54 article two-g, chapter five-b of this code: *Provided*, That
55 the funds deposited in the State Treasury pursuant to this
56 subdivision may only be used for costs, excluding person-
57 nel costs, associated with purpose of land conservation, as
58 defined in subsection (f), section seven, article two-g,
59 chapter five-b of this code.

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

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

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

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

83 (3) Ten dollars of the marriage license fee received
84 pursuant to this subsection shall be deposited in the
85 Courthouse Facilities Improvement Fund created by
86 section six, article twenty-six, chapter twenty-nine of this
87 code.

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

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

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

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

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

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within..... is approved this the 5th
Day of..... June 2009.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

JUN - 3 2009

Time 10:20am