

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 238

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FEES OF THE COUNTY RECORDER; AMENDING SECTION 31-3205, IDAHO CODE, TO REVISE PROVISIONS FOR DETERMINING THE FEE FOR DUPLICATION OF RECORDED DOCUMENTS IN EXCESS OF ONE HUNDRED PAGES OR FOR CONTINUOUS ELECTRONIC COPY REQUESTS FOR DUPLICATION OF RECORDS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-3205, Idaho Code, be, and the same is hereby amended to read as follows:

31-3205. RECORDER'S FEES. (1) The county recorder is allowed, and may receive for his services, the following fees, to be paid him by the party procuring his services:

- (a) For recording every instrument, paper or notice, for each page \$ 3.00
- (b) For copies of any record or paper, for each page \$ 1.00
- (c) For each certificate under seal, when required \$ 1.00
- (d) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment \$ 1.00
- (e) For recording every town plat or map, for first one hundred (100) lots or less \$11.00
- And for each additional lot \$.05
- (f) For taking acknowledgments, including seal \$ 1.00
- (g) For recording the location notice or amended location notice, of a mining claim, or for recording and indexing each notice, for each page \$ 3.00
- (h) For recording affidavit of labor of mining claims for one (1) mining claim \$ 4.00
- Plus an additional charge for each claim in excess of one (1) \$.50
- (i) For filing a survey, for each page \$ 5.00
- (j) For making a copy of a survey or highway right-of-way plat \$ 4.00
- (k) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license \$11.00
- (l) For administering an oath, including jurat \$ 1.00
- And certifying the same when required an additional sum of \$ 1.00
- (m) For comparing and certifying a prepared copy of a file or record in his office, for each page \$.50
- (n) For each certificate under seal there shall be an additional fee of \$ 1.00

(2) For duplication of recorded documents in excess of one hundred (100) pages or continuous copy requests for duplication of records using compact disc, zip disc, floppy disc or other electronic means, the fee shall be negotiated in good faith between the county recorder and the ~~purchaser of records~~ party procuring his services. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. The actual direct costs

1 to retrieve and duplicate electronic copies shall be the sum of: (i) actual labor costs, including
2 payroll taxes and other payroll related overhead costs, directly incurred by the person or
3 persons who retrieve and duplicate the records; and (ii) the county's direct cost, including
4 depreciation or amortization of capital costs, incurred for the specific purpose of copying the
5 record to a compact disc, zip disc, floppy disc or other electronic medium; or (iii) the county's
6 direct cost, including depreciation or amortization of capital costs, incurred for the specific
7 purpose of providing internet access to the records. If electronic copies are provided through
8 internet access, then the actual direct cost shall be allocated to each person proportionate to
9 the total number of persons granted access thereto. The actual direct costs shall not include
10 any portion of capital costs incurred in performing the functions set forth in chapter 24, title
11 31, Idaho Code, other indirect capital costs or any portion of general operating costs. These
12 negotiated fees shall be recommended by the county recorder and approved by the board of
13 county commissioners. Any existing agreements for duplication of records are hereby ratified
14 and approved. Any negotiated fees shall remain in effect until such time as either party
15 requests a review of the fee.

16 (3) All instruments delivered to the county recorder for record shall be recorded rather
17 than filed with the exception of plats, surveys, cornerstone markers and instruments under the
18 Uniform Commercial Code.

19 (4) For all other services as recorder, not enumerated herein, the fee fixed in the statute
20 requiring the service or the same fee as allowed the clerk of the district court for like service.

21 (5) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2)
22 inches in width. Each page shall be typewritten or be in legible writing. The recording fee to
23 be charged for maps, sketches, drawings or other instruments except plats larger than the size
24 permitted above for a page shall be two cents (2¢) per square inch.