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FIRST REPRINT

A.B. 192

ASSEMBLY BILL NO. 192—COMMITTEE ON WAYS AND MEANS

FEBRUARY 21, 2011

Referred to Committee on Ways and Means

SUMMARY—Revises various provisions relating to fees charged by county recorders. (BDR 20-901)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to county recorders; providing authorization for the collection and disposition of an additional fee for certain recorded documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a county recorder to charge and collect a fee of \$1 for
2 recording a document, instrument, paper, notice, deed, conveyance, map, chart,
3 survey or any other writing other than an originally signed copy of a certificate of
4 marriage. (NRS 247.305) **Section 2** of this bill authorizes a board of county
5 commissioners to adopt by ordinance an additional fee of not more than \$3 for each
6 such recording and provides that such fees must be used to provide legal services
7 for abused and neglected children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 247.110 is hereby amended to read as follows:
2 247.110 1. When a document authorized, entitled or required
3 by law to be recorded is deposited in the county recorder's office for
4 recording, the county recorder shall:
5 (a) Endorse upon it the time when it was received, noting:
6 (1) The year, month, day, hour and minute of its reception;
7 (2) The document number; and
8 (3) The amount of fees collected for recording the document.



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1 (b) Record the document without delay, together with the
2 acknowledgments, proofs and certificates, written upon or annexed
3 to it, with the plats, surveys, schedules and other papers thereto
4 annexed, in the order in which the papers are received for recording.

5 (c) Note at the upper right corner of the record and upon the
6 document, except a map, so recorded the exact time of its reception
7 and the name of the person at whose request it was recorded.

8 (d) Upon request, place a stamp or other notation upon one copy
9 of the document presented at the time of recording to reflect the
10 information endorsed upon the original pursuant to subparagraphs
11 (1) and (2) of paragraph (a) and as evidence that the county recorder
12 received the original, and return the copy to the person who
13 presented it.

14 2. In addition to the information described in paragraph (a) of
15 subsection 1, a county recorder may endorse upon a document the
16 book and page where the document is recorded.

17 3. Except as otherwise provided in this section, subsection ~~4~~
18 5 of NRS 247.305 and NRS 111.366 to 111.3697, inclusive, a
19 document, except a map, certificate or affidavit of death, military
20 discharge or document regarding taxes that is issued by the Internal
21 Revenue Service of the United States Department of the Treasury,
22 that is submitted for recording must be on a form authorized by
23 NRS 104.9521 for the type of filing or must:

24 (a) Be on white, 20-pound paper that is 8 1/2 inches by 11
25 inches in size.

26 (b) Have a margin of 1 inch on the left and right sides and at the
27 bottom of each page.

28 (c) Have a space of 3 inches by 3 inches at the upper right
29 corner of the first page and have a margin of 1 inch at the top of
30 each succeeding page.

31 (d) Not be on sheets of paper that are bound together at the side,
32 top or bottom.

33 (e) Not contain printed material on more than one side of each
34 page.

35 (f) Not have any documents or other materials physically
36 attached to the paper.

37 (g) Not contain:

38 (1) Colored markings to highlight text or any other part of
39 the document;

40 (2) A stamp or seal that overlaps with text or a signature on
41 the document, except in the case of a validated stamp or seal of a
42 professional engineer or land surveyor who is licensed pursuant to
43 chapter 625 of NRS;

44 (3) Text that is smaller than a 10-point Times New Roman
45 font and is printed in any ink other than black; or



1 (4) More than nine lines of text per vertical inch.

2 4. The provisions of subsection 3 do not apply to a document
3 submitted for recording that has been filed with a court and which
4 conforms to the formatting requirements established by the court.

5 5. A document is recorded when the information required
6 pursuant to this section is placed on the document and is entered in
7 the record of the county recorder.

8 **Sec. 2.** NRS 247.305 is hereby amended to read as follows:

9 247.305 1. If another statute specifies the fee to be charged
10 for a service, county recorders shall charge and collect only the fee
11 specified. Otherwise, unless prohibited by NRS 375.060, county
12 recorders shall charge and collect the following fees:

13 (a) For recording any document, for the first page, \$10.

14 (b) For each additional page, \$1.

15 (c) For recording each portion of a document which must be
16 separately indexed, after the first indexing, \$3.

17 (d) For copying any record, for each page, \$1.

18 (e) For certifying, including certificate and seal, \$4.

19 (f) For a certified copy of a certificate of marriage, \$10.

20 (g) For a certified abstract of a certificate of marriage, \$10.

21 (h) For a certified copy of a certificate of marriage or for a
22 certified abstract of a certificate of marriage, the additional sum of
23 \$5 for the Account for Aid for Victims of Domestic Violence in the
24 State General Fund. The fees collected for this purpose must be paid
25 over to the county treasurer by the county recorder on or before the
26 fifth day of each month for the preceding calendar month, and must
27 be credited to that Account. The county treasurer shall, on or before
28 the 15th day of each month, remit those fees deposited by the
29 recorder to the State Controller for credit to that Account.

30 2. Except as otherwise provided in this subsection and NRS
31 375.060, a county recorder may charge and collect, in addition to
32 any fee that a county recorder is otherwise authorized to charge and
33 collect, an additional fee not to exceed \$3 for recording a document,
34 instrument, paper, notice, deed, conveyance, map, chart, survey or
35 any other writing. A county recorder may not charge the additional
36 fee authorized in this subsection for recording the originally signed
37 copy of a certificate of marriage described in NRS 122.120. On or
38 before the fifth day of each month, the county recorder shall pay the
39 amount of fees collected by him or her pursuant to this subsection to
40 the county treasurer for credit to the account established pursuant to
41 NRS 247.306.

42 3. Except as otherwise provided in this subsection and NRS
43 375.060, a county recorder shall charge and collect, in addition to
44 any fee that a county recorder is otherwise authorized to charge and
45 collect, an additional fee of \$1 for recording a document,



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1 instrument, paper, notice, deed, conveyance, map, chart, survey or
2 any other writing. A county recorder shall not charge the additional
3 fee authorized in this subsection for recording the originally signed
4 copy of a certificate of marriage described in NRS 122.120. On or
5 before the fifth day of each month, the county recorder shall pay the
6 amount of fees collected by him or her pursuant to this subsection to
7 the county treasurer. On or before the 15th day of each month, the
8 county treasurer shall remit the money received by him or her
9 pursuant to this subsection to the State Treasurer for credit to the
10 Account to Assist Persons Formerly in Foster Care established
11 pursuant to NRS 432.017.

12 4. *Except as otherwise provided in this subsection and NRS*
13 *375.060, a board of county commissioners may, in addition to any*
14 *fee that a county recorder is otherwise authorized to charge and*
15 *collect, impose by ordinance a fee of not more than \$3 for*
16 *recording a document, instrument, paper, notice, deed,*
17 *conveyance, map, chart, survey or any other writing. A county*
18 *recorder shall not charge the additional fee authorized by this*
19 *subsection for recording the originally signed copy of a certificate*
20 *of marriage described in NRS 122.120. On or before the fifth day*
21 *of each month, the county recorder shall pay the amount of fees*
22 *collected by him or her pursuant to this subsection to the county*
23 *treasurer. On or before the 15th day of each month, the county*
24 *treasurer shall remit the money received by him or her pursuant to*
25 *this subsection to the organization operating the program for legal*
26 *services for the indigent that receives the fees charged pursuant to*
27 *NRS 19.031 to be used to provide legal services for abused and*
28 *neglected children.*

29 5. Except as otherwise provided in this subsection, subsection
30 ~~{5}~~ 6 or by specific statute, a county recorder may charge and
31 collect, in addition to any fee that a county recorder is otherwise
32 authorized to charge and collect, an additional fee not to exceed \$25
33 for recording any document that does not meet the standards set
34 forth in subsection 3 of NRS 247.110. A county recorder shall not
35 charge the additional fee authorized by this subsection for recording
36 a document that is exempt from the provisions of subsection 3 of
37 NRS 247.110.

38 ~~{5}~~ 6. Except as otherwise provided in subsection ~~{6}~~ 7, a
39 county recorder shall not charge or collect any fees for any of the
40 services specified in this section when rendered by the county
41 recorder to:

- 42 (a) The county in which the county recorder's office is located.
43 (b) The State of Nevada or any city or town within the county in
44 which the county recorder's office is located, if the document being
45 recorded:



1 (1) Conveys to the State, or to that city or town, an interest in
2 land;
3 (2) Is a mortgage or deed of trust upon lands within the
4 county which names the State or that city or town as beneficiary;
5 (3) Imposes a lien in favor of the State or that city or town;
6 or
7 (4) Is a notice of the pendency of an action by the State or
8 that city or town.
9 ~~[6.]~~ 7. A county recorder shall charge and collect the fees
10 specified in this section for copying any document at the request of
11 the State of Nevada, and any city or town within the county. For
12 copying, and for his or her certificate and seal upon the copy, the
13 county recorder shall charge the regular fee.
14 ~~[7.]~~ 8. If the amount of money collected by a county recorder
15 for a fee pursuant to this section:
16 (a) Exceeds by \$5 or less the amount required by law to be paid,
17 the county recorder shall deposit the excess payment with the
18 county treasurer for credit to the county general fund.
19 (b) Exceeds by more than \$5 the amount required by law to be
20 paid, the county recorder shall refund the entire amount of the
21 excess payment.
22 ~~[8.]~~ 9. Except as otherwise provided in subsection 2, 3, 4 or
23 ~~[7.]~~ 8 or by an ordinance adopted pursuant to the provisions of NRS
24 244.207, county recorders shall, on or before the fifth working day
25 of each month, account for and pay to the county treasurer all such
26 fees collected during the preceding month.
27 ~~[9.]~~ 10. For the purposes of this section, "State of Nevada,"
28 "county," "city" and "town" include any department or agency
29 thereof and any officer thereof in his or her official capacity.
30 **Sec. 3.** This act becomes effective on July 1, 2011.

