

SB 528

FILED

2009 JUN -5 PM 4: 21

**WEST VIRGINIA LEGISLATURE**

OFFICE OF THE 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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## Senate Bill No. 528

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

[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.

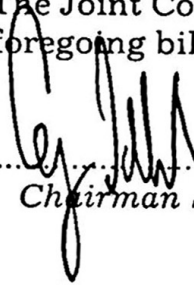
90 (2) If the copy of the writing or document contains more  
91 than two pages, for each additional page, \$1.

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.

  
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Chairman Senate Committee

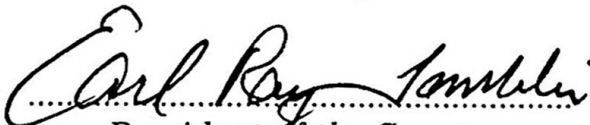
  
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker House of Delegates

The within..... is approved..... this the..... 5<sup>th</sup>.....  
Day of..... June....., 2009.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

JUN - 3 2009

Time 10:20am