

SENATE AMENDMENTS TO HOUSE BILL 2425

By COMMITTEE ON JUDICIARY

May 13

- 1 In line 2 of the printed bill, after “93.804” insert “and 205.320”.
2 After line 30, insert:
3 “**SECTION 2.** ORS 205.320 is amended to read:
4 “205.320. (1) In every county there shall be charged and collected in advance by the county
5 clerk, for the benefit of the county, the following fees, and no more, for the following purposes and
6 services:
7 “(a) For filing and making entry when required by law of any instrument required or permitted
8 by law to be filed, when it is not recorded, \$5 for each page.
9 “(b) For filing and making entry of the assignment or satisfaction of any filed, but not recorded,
10 instrument, \$5 for each page.
11 “(c) For each official certificate, \$3.75.
12 “(d)(A) For recording any instrument required or permitted by law to be recorded, \$5 for each
13 page, but the minimum fee shall not be less than \$5. As used in this subparagraph, ‘page’ means one
14 side of a sheet 14 inches, or less, long and 8-1/2 inches, or less, wide.
15 “(B) For supplying to private parties copies of records or files, **including by electronic delivery**
16 **of images**, not more than \$3.75 for locating a record requested by the party and 25 cents for each
17 page. As used in this subparagraph, ‘page’ means one side of a sheet 14 inches, or less, long and 8-1/2
18 inches, or less, wide.
19 “(C) For each official certificate, \$3.75.
20 “(e) For taking an affidavit for and making and issuing a marriage license and registering the
21 return of the license, or for taking an affidavit for and registering a Declaration of Domestic Part-
22 nership, \$25.
23 “(f) For solemnizing a marriage under ORS 106.120, \$110. This paragraph does not require that
24 the county clerk charge a fee for solemnizing a marriage after normal working hours or on Satur-
25 days or legal holidays. This paragraph does not prohibit a county clerk from charging and accepting
26 a personal payment for solemnizing a marriage if otherwise authorized by ORS 106.120.
27 “(g) For taking and certifying acknowledgment or proof of execution of any instrument, the fee
28 established in the schedule adopted by the Secretary of State under ORS 194.400.
29 “(h) For issuing any license required by law, other than a marriage or liquor license, and for
30 which no fee is otherwise provided by law, \$5.
31 “(i) For any service the clerk may be required or authorized to perform and for which no fee is
32 provided by law, such fees as may favorably compare with those established by this section for
33 similar services and as may be established by order or rule of the county court or board of county
34 commissioners.
35 “(j) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to

1 ORS 203.148.

2 “(k) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
3 each additional municipal assessment lien recorded under ORS 93.643, \$5.

4 “(L) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
5 each additional assignment, release or satisfaction of any recorded instrument, \$5.

6 “(m) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection,
7 for each additional transaction described under ORS 205.236, \$5.

8 “(n) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
9 each additional lien recorded under ORS 311.675, \$5.

10 “(o) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee that
11 is established by the county governing body.

12 “(p) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
13 each additional claim listed on an affidavit of annual compliance under ORS 517.210, \$5.

14 “(q) In addition to and not in lieu of the fees charged under paragraph (d) of this subsection, for
15 each additional name listed on a cooperative contract under ORS 62.360 (2) or for recording the
16 termination of a cooperative contract under ORS 62.360 (4), \$5.

17 “(2) Notwithstanding any other law, five percent of any fee or tax that is not collected for the
18 benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be
19 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the
20 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-
21 lected under this subsection shall be deposited in a county clerk records fund established by the
22 county governing body. No moneys shall be deducted under this subsection from:

23 “(a) Fees collected for the Domestic Violence Fund under ORS 106.045.

24 “(b) Fees collected for conciliation services under ORS 107.615.

25 “(c) Real estate transfer taxes enacted prior to January 1, 1998.

26 “(d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.

27 “(e) Fees collected under ORS 205.323 (1)(c) for the housing-related programs listed in ORS
28 294.187 (2)(b).”.

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