

ASSEMBLY BILL NO. 169—ASSEMBLYMEN JAUREGUI;
BROOKS AND CARRILLO

PREFILED FEBRUARY 13, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing certain fees collected
by county recorders. (BDR 20-832)

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 that a county
recorder has discretion to accept and record a document
that does not meet certain formatting requirements;
revising certain fees collected by a county recorder; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. (NRS 247.110, 247.305) **Section 1** of this bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. **Section 2** of this bill removes the fee charged for documents which do not comply with the formatting requirements.

Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. (NRS 247.305) **Section 2** revises the fees collected for recording a document, from a fee for each page of a document and each portion required to be indexed to a flat fee of \$36 for each document. **Section 2** also increases the additional fee collected for recording certain documents from \$3 to \$5.



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

Section 1. NRS 247.110 is hereby amended to read as follows:
247.110 1. When a document authorized, entitled or required
by law to be recorded is deposited in the county recorder's office for
recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

(1) The year, month, day, hour and minute of its reception;

(2) The document number; and

(3) The amount of fees collected for recording the document.

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

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

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

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

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

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

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

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

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



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

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

(g) Not contain:

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

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

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

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

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

5. *A county recorder has the discretion to accept or record a document that does not meet the formatting requirements set forth in paragraphs (a) to (g), inclusive of subsection 3.*

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

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

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

(a) For recording any document, ~~for the first page, \$10.~~ **\$36.**

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

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

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

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

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

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

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



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2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed ~~1\$34~~ \$5 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

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

~~5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge~~



~~and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.~~

~~6.1~~ Except as otherwise provided in subsection ~~17.1~~ 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

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

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

~~17.1~~ 6. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~18.1~~ 7. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~19.1~~ 8. Except as otherwise provided in subsection 2, 3, 4 or ~~14.1~~ 7 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~110.1~~ 9. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.



1 **Sec. 3.** This act becomes effective on July 1, 2017.

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