

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2425**

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 ad-  
5 vance by the county clerk, for the benefit of the county, the following fees,  
6 and no more, for the following purposes and services:

7 “(a) For filing and making entry when required by law of any instrument  
8 required or permitted by law to be filed, when it is not recorded, \$5 for each  
9 page.

10 “(b) For filing and making entry of the assignment or satisfaction of any  
11 filed, but not recorded, instrument, \$5 for each page.

12 “(c) For each official certificate, \$3.75.

13 “(d)(A) For recording any instrument required or permitted by law to be  
14 recorded, \$5 for each page, but the minimum fee shall not be less than \$5.  
15 As used in this subparagraph, ‘page’ means one side of a sheet 14 inches, or  
16 less, long and 8-1/2 inches, or less, wide.

17 “(B) For supplying to private parties copies of records or files, **including**  
18 **by electronic delivery of images**, not more than \$3.75 for locating a record  
19 requested by the party and 25 cents for each page. As used in this subpara-  
20 graph, ‘page’ means one side of a sheet 14 inches, or less, long and 8-1/2  
21 inches, or less, wide.

1       “(C) For each official certificate, \$3.75.

2       “(e) For taking an affidavit for and making and issuing a marriage license  
3 and registering the return of the license, or for taking an affidavit for and  
4 registering a Declaration of Domestic Partnership, \$25.

5       “(f) For solemnizing a marriage under ORS 106.120, \$110. This paragraph  
6 does not require that the county clerk charge a fee for solemnizing a mar-  
7 riage after normal working hours or on Saturdays or legal holidays. This  
8 paragraph does not prohibit a county clerk from charging and accepting a  
9 personal payment for solemnizing a marriage if otherwise authorized by ORS  
10 106.120.

11       “(g) For taking and certifying acknowledgment or proof of execution of  
12 any instrument, the fee established in the schedule adopted by the Secretary  
13 of State under ORS 194.400.

14       “(h) For issuing any license required by law, other than a marriage or  
15 liquor license, and for which no fee is otherwise provided by law, \$5.

16       “(i) For any service the clerk may be required or authorized to perform  
17 and for which no fee is provided by law, such fees as may favorably compare  
18 with those established by this section for similar services and as may be es-  
19 tablished by order or rule of the county court or board of county commis-  
20 sioners.

21       “(j) For recording any instrument under ORS 205.130 (2), as required by  
22 ordinance pursuant to ORS 203.148.

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

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

29       “(m) In addition to and not in lieu of the fees charged under paragraph  
30 (d) of this subsection, for each additional transaction described under ORS

1 205.236, \$5.

2 “(n) In addition to and not in lieu of the fees charged under paragraph  
3 (d) of this subsection, for each additional lien recorded under ORS 311.675,  
4 \$5.

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

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

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

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

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

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

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

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

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

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