

Senate File 441 - Introduced

SENATE FILE 441
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1141)

A BILL FOR

1 An Act relating to the use of fees collected by a county
2 recorder or governing board of the county land record
3 information system for processing and recording instruments.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.605B, subsection 2, Code 2021,
2 is amended by striking the subsection and inserting in lieu
3 thereof the following:

4 2. A recorder or the governing board of the county land
5 record information system shall collect only statutorily
6 authorized fees for land records management. The governing
7 board of the county land record information system shall not
8 collect a fee for viewing, accessing, or printing documents in
9 the county land record information system unless specifically
10 authorized by statute. The governing board of the county land
11 record information system may collect a fee of not more than
12 three dollars per recorded document for using the system to
13 process electronic documents for recording. An additional
14 service charge may be added for credit or debit card payments.
15 Fees collected for the processing of electronic documents for
16 recording may be used for the purposes specified in section
17 331.604 and other purposes including but not limited to
18 development, operation, and maintenance of the county land
19 record information system and internet sites, systems for
20 electronic filing for recording, associated payment systems,
21 security systems, the land records databases, methods for
22 searching the databases, processes for the redaction of
23 personally identifiable information posted for public online
24 access, and processes for the integration of land records
25 information with other property information systems.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 Under current law, a county recorder and the governing board
30 of the county land record information system (governing board)
31 are allowed to collect only statutorily authorized fees for
32 land records management. A county recorder and the governing
33 board are prohibited from collecting a fee for viewing,
34 accessing, or printing documents in the county land record
35 information system unless specifically authorized by statute.

1 This bill removes the county recorder from this prohibition.
2 In addition, the bill strikes a provision authorizing a county
3 recorder or the governing board to collect actual third-party
4 fees associated with accepting and processing statutorily
5 authorized fees, including credit card fees, treasury
6 management fees, and other transaction fees required to enable
7 electronic payment.

8 The bill allows the governing board to collect a fee of not
9 more than \$3 per recorded document for using the system to
10 process electronic documents for recording, which fees may be
11 used for purposes outlined in Code section 331.604 (recording
12 and filing fees) and in the bill. The bill authorizes the
13 collection of an additional service charge for credit or debit
14 card payments.