

**As Passed by the Senate**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. S. B. No. 148**

**Senators Hottinger, Grendell, Carey, Spada**

—

**A BILL**

To amend sections 317.09 and 317.32 of the Revised Code to authorize a county recorder to use electronic or magnetic mediums for recording federal tax and other federal liens and to request the disposal of paper versions of those recorded documents, and to require a county recorder to charge and collect a per-image fee equivalent to the per-page photocopy fee when a nonpaper form of photocopying is used.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 317.09 and 317.32 of the Revised Code be amended to read as follows:

**Sec. 317.09.** (A)(1) Notices of liens for internal revenue taxes, of liens arising under section 107 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as amended, and of any other lien in favor of the United States, as provided in the statutes of the United States or in any regulation adopted under those statutes, certificates discharging the liens, and certificates of release of the liens shall be filed for record, by mail or otherwise, in the office of the county recorder of the county in which the property

subject to the lien is situated. If a duplicate copy of a notice 21  
of a lien or a certificate of discharge or release of a lien is 22  
provided, the recorder shall endorse on the copy the date and hour 23  
that the notice or certificate was received for filing and 24  
recording and shall return the copy, by mail or otherwise, to the 25  
district director of the internal revenue service of the Ohio 26  
district from which the notice or certificate originated, the 27  
regional administrator of the region of the United States 28  
environmental protection agency from which the notice or 29  
certificate originated, or the other official of the United States 30  
who originated the notice or certificate, whichever is applicable. 31

(2) Except as provided in division (B) of this section, when 32  
a notice of a lien in favor of the United States is filed, the 33  
recorder shall enter it in a book or an electronic or magnetic 34  
medium known as the "federal tax and other federal lien index," in 35  
alphabetical order, showing on one line the name and residence of 36  
the person named in the notice, the serial number or other 37  
identifying number of the notice, and the total amount of the 38  
lien. ~~The~~ Except as provided in division (C) of this section, the 39  
recorder shall file and keep all original notices of liens in 40  
numerical order. ~~When~~ Except as provided in division (C) of this 41  
section, when a certificate of discharge or release of any lien in 42  
favor of the United States is issued by the proper official of the 43  
United States, or the official's delegate, and is filed for record 44  
in the office of the recorder in which the original notice of the 45  
lien is filed, the recorder shall enter the certificate with the 46  
date of filing in the federal tax and other federal lien index on 47  
the line on which the notice of the lien so discharged or released 48  
is entered and permanently attach the original certificate of 49  
discharge or release to the original notice of the lien. 50

(B) If a county recorder records all instruments in two sets 51  
of record books pursuant to division (C) of section 317.08 of the 52

Revised Code, notices of liens in favor of the United States and  
certificates discharging or releasing those liens that are filed  
with the recorder shall be recorded in the "official records" set  
of books.

(C) A county recorder may use any nonpaper electronic or  
magnetic medium specified in section 9.01 of the Revised Code to  
record the notices of liens and the certificates of discharge or  
release of liens covered by this section. If any of those mediums  
is used, an "original notice," for purposes of this section, shall  
mean the notice as originally recorded by the nonpaper electronic  
or magnetic medium, and the recorder, instead of permanently  
attaching an original certificate of discharge or release to the  
original notice, shall otherwise clearly indicate on the original  
notice that it has been discharged or released by the particular  
certificate. If such a recorder wishes to dispose of paper  
versions of the notices and certificates covered by this section  
because they are no longer needed in that format, the recorder  
shall request the county records commission to revise the county's  
schedule of records retention and disposal in accordance with  
section 149.38 of the Revised Code to provide for the disposal of  
those paper records.

(D) The county recorder shall receive a fee of five dollars  
for filing and indexing each notice of a lien filed pursuant to  
this section and shall receive a fee of three dollars for filing  
and indexing a certificate of discharge or release of the lien.  
The fees provided for in this division shall be collected at the  
time that the notice or certificate is presented in the office of  
the recorder.

**Sec. 317.32.** The county recorder shall charge and collect the  
following fees, to include base fees for the recorder's services  
and housing trust fund fees, collected pursuant to section 317.36

of the Revised Code:	84
(A) For recording and indexing an instrument when the	85
photocopy or any similar process is employed, a base fee of	86
fourteen dollars <del>for the first two pages</del> and a housing trust fund	87
fee of fourteen dollars <u>for the first two pages</u> , and a base fee of	88
four dollars and a housing trust fund fee of four dollars for each	89
subsequent page, size eight and one-half inches by fourteen	90
inches, or fraction of a page, including the caption page, of such	91
instrument;	92
(B) For certifying a photocopy from the record previously	93
recorded, a base fee of one dollar and a housing trust fund fee of	94
one dollar per page, size eight and one-half inches by fourteen	95
inches, or fraction of a page; for each certification where the	96
recorder's seal is required, except as to instruments issued by	97
the armed forces of the United States, a base fee of fifty cents	98
and a housing trust fund fee of fifty cents;	99
(C) For manual or typewritten recording of assignment or	100
satisfaction of mortgage or lease or any other marginal entry, a	101
base fee of four dollars and a housing trust fund fee of four	102
dollars;	103
(D) For entering any marginal reference by separate recorded	104
instrument, a base fee of two dollars and a housing trust fund fee	105
of two dollars for each marginal reference set out in that	106
instrument, in addition to the fees set forth in division (A) of	107
this section;	108
(E) For indexing in the real estate mortgage records,	109
pursuant to section 1309.519 of the Revised Code, financing	110
statements covering crops growing or to be grown, timber to be	111
cut, minerals or the like, including oil and gas, accounts subject	112
to section 1309.301 of the Revised Code, or fixture filings made	113
pursuant to section 1309.334 of the Revised Code, a base fee of	114

two dollars and a housing trust fund fee of two dollars for each  
name indexed;

(F) For recording manually any plat not exceeding six lines,  
a base fee of two dollars and a housing trust fund fee of two  
dollars, and for each additional line, a base fee of ten cents and  
a housing trust fund fee of ten cents;

(G) For filing zoning resolutions, including text and maps,  
in the office of the recorder as required under sections 303.11  
and 519.11 of the Revised Code, a base fee of fifty dollars and a  
housing trust fund fee of fifty dollars, regardless of the size or  
length of the resolutions;

(H) For filing zoning amendments, including text and maps, in  
the office of the recorder as required under sections 303.12 and  
519.12 of the Revised Code, a base fee of ten dollars and a  
housing trust fund fee of ten dollars for the first page and a  
base fee of four dollars and a housing trust fund fee of four  
dollars for each additional page;

(I) For photocopying a document, other than at the time of  
recording and indexing as provided for in division (A) of this  
section, a base fee of one dollar and a housing trust fund fee of  
one dollar per page, size eight and one-half inches by fourteen  
inches, or fraction thereof of a page, or, if a nonpaper method of  
photocopying a document is permitted, a base fee of one dollar and  
a housing trust fund fee of one dollar per image equivalent to a  
page of that size, regardless of whether the requester provides  
the equipment and other resources necessary to produce the form of  
imaging;

(J) For local facsimile transmission of a document, a base  
fee of one dollar and a housing trust fund fee of one dollar per  
page, size eight and one-half inches by fourteen inches, or  
fraction thereof of a page; for long distance facsimile

transmission of a document, a base fee of two dollars and a 146  
housing trust fund fee of two dollars per page, size eight and 147  
one-half inches by fourteen inches, or fraction ~~thereof~~ of a page; 148

(K) For recording a declaration executed pursuant to section 149  
2133.02 of the Revised Code or a durable power of attorney for 150  
health care executed pursuant to section 1337.12 of the Revised 151  
Code, or both a declaration and a durable power of attorney for 152  
health care, a base fee of at least fourteen dollars but not more 153  
than twenty dollars and a housing trust fund fee of at least 154  
fourteen dollars but not more than twenty dollars. 155

In any county in which the recorder employs the photostatic 156  
or any similar process for recording maps, plats, or prints, the 157  
recorder shall determine, charge, and collect for the recording or 158  
rerecording of any map, plat, or print, a base fee of five cents 159  
and a housing trust fund fee of five cents per square inch, for 160  
each square inch of the map, plat, or print filed for that 161  
recording or rerecording, with a minimum base fee of twenty 162  
dollars and a minimum housing trust fund fee of twenty dollars; 163  
and for certifying a copy from the record, a base fee of two cents 164  
and a housing trust fund fee of two cents per square inch of the 165  
record, with a minimum base fee of two dollars and a minimum 166  
housing trust fund fee of two dollars. 167

The fees provided in this section shall be paid upon the 168  
presentation of the instruments for record ~~or~~, upon the 169  
application for any certified copy of the record, or upon a 170  
request for photocopying under division (I) of this section, 171  
except that the payment of fees associated with the filing and 172  
recording of, or the copying of, notices of internal revenue tax 173  
liens and notices of other liens in favor of the United States as 174  
described in division (A) of section 317.09 of the Revised Code 175  
and certificates of discharge or release of those liens, shall be 176  
governed by that section ~~317.09 of the Revised Code~~, and the 177

payment of fees for providing copies of instruments conveying or	178
extinguishing agricultural easements to the office of farmland	179
preservation in the department of agriculture under division (H)	180
of section 5301.691 of the Revised Code shall be governed by that	181
division.	182
<b>Section 2.</b> That existing sections 317.09 and 317.32 of the	183
Revised Code are hereby repealed.	184