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SENATE BILL 234

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO RECORDING FEES; CHANGING THE AMOUNT OF THE
EQUIPMENT RECORDING FEE THAT A COUNTY CLERK MAY CHARGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-8-12.2 NMSA 1978 (being Laws 1985,
Chapter 122, Section 2, as amended) is amended to read:

"14-8-12.2. RECORDING FEES--WHEN INSTRUMENT IS
PHOTOCOPIED. --

A. For each instrument recorded [~~and when the
instrument~~] that is photocopied, the county clerk shall charge
a recording fee of five dollars (\$5.00) for the first page and
two dollars (\$2.00) for each additional page or portion
thereof of the same instrument.

B. For each instrument recorded [~~and when the
instrument~~] that is photocopied, the county clerk may charge,

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 in addition to any other fees authorized by law, including the
2 fee provided in Subsection A of this section, an equipment
3 recording fee. The equipment recording fee shall not exceed
4 [~~three dollars (\$3.00)~~] four dollars (\$4.00) for each
5 instrument recorded [~~except that in class A counties the~~
6 ~~equipment recording fee shall not exceed two dollars (\$2.00)~~].

7 C. Amounts collected from the equipment recording
8 fee shall be deposited into a county clerk recording and
9 filing fund, which shall be established by the county. Money
10 in the county clerk recording and filing fund shall be
11 expended only to rent, purchase, lease or lease-purchase
12 equipment associated with recording, filing, maintaining or
13 reproducing documents in the county clerk's office and for
14 staff training on office procedures and equipment.

15 D. The equipment recording fee and expenditures
16 from the county clerk recording and filing fund shall be
17 determined annually by the county clerk and approved by the
18 board of county commissioners. "

19 Section 2. Section 14-8-16 NMSA 1978 (being Laws 1973,
20 Chapter 258, Section 150, as amended) is amended to read:

21 "14-8-16. FILINGS OF LEGAL DESCRIPTIONS AND PLATS OF
22 REAL PROPERTY AUTHORIZED--RECORDING--FEES.--

23 A. Any person owning real property that is subject
24 to property taxation under the Property Tax Code may file for
25 record in the office of the county clerk of the county where

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[bracketed material] = delete

1 the real property is located a legal description or a plat of
2 the real property. To be eligible for recording, the legal
3 description or plat shall be certified by a professional
4 surveyor licensed in the state.

5 B. The United States, the state or its political
6 subdivisions and any agency, department or instrumentality of
7 the United States, the state or its political subdivisions may
8 file for record in the office of the county clerk of the
9 county where the real property is located a legal description
10 or a plat of real property. To be eligible for recording, the
11 legal description or plat shall be certified by a professional
12 surveyor licensed in the state and shall show the governmental
13 agency, department or political subdivision under whose
14 supervision and direction the description or plat was
15 prepared.

16 C. The county clerk shall number descriptions
17 filed under this section consecutively and shall number plats
18 filed under this section consecutively. Immediately upon
19 receiving a description or plat for filing, the county clerk
20 shall note on the instrument the filing number and the time of
21 filing and shall make proper entries in his reception book and
22 in his index to general real estate records.

23 D. The county clerk shall record descriptions and
24 plats filed under this section in the same manner as other
25 similar instruments affecting real property are recorded. The

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[bracketed material] = delete

1 county clerk shall charge a fee of two dollars fifty cents
2 (\$2.50) for filing and recording each description or plat. If
3 the county clerk uses a post binder with transparent
4 protective pages for the protection of the plats, he shall
5 charge a fee of five dollars (\$5.00) for filing and recording
6 each unit of a plat that is eighteen inches by twenty-four
7 inches or part thereof.

8 E. For filing legal descriptions or plats of real
9 property, the county clerk may charge, in addition to any
10 other fees authorized by law, including the fee provided for
11 in Subsection D of this section, an equipment recording fee.
12 The equipment recording fee shall not exceed [~~three dollars~~
13 ~~(\$3.00)~~] four dollars (\$4.00) for each instrument or plat
14 recorded [~~except that in class A counties the equipment~~
15 ~~recording fee shall not exceed two dollars (\$2.00)~~].

16 F. Amounts collected from the equipment recording
17 fee shall be deposited into a county clerk recording and
18 filing fund, which shall be established by the county. Money
19 in the county clerk recording and filing fund shall be
20 expended only to rent, purchase, lease or lease-purchase
21 equipment associated with recording, filing, maintaining or
22 reproducing documents in the county clerk's office and for
23 staff training on office procedures and equipment.

24 G. The equipment recording fee and expenditures
25 from the county clerk recording and filing fund shall be

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1 determined annually by the county clerk and approved by the
2 board of county commissioners.

3 H. All plats to be recorded [~~under~~] pursuant to
4 the provisions of this section shall be filed in duplicate
5 with the county clerk. One copy shall be recorded by the
6 county clerk, and one copy shall be delivered by the county
7 clerk to the county assessor."