

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Municipal Government; records; fees; town clerk

4 Statement of purpose of bill as introduced: This bill proposes to:

5 (1) require that the town fee report include a summary of the monies  
6 allocated from each town's Restoration and Preservation Reserve Fund for the  
7 digitization of records;

8 (2) increase the fees for town clerk recording services;

9 (3) require each town to establish a Restoration and Preservation  
10 Reserve Fund for the restoration, preservation, digitization, and conservation  
11 of municipal records;

12 (4) require land surveyors to submit a digital copy of a survey plat to  
13 the Vermont Center for Geographic Information at the time that the official  
14 plat is filed with a town clerk;

15 (5) require a survey plat to be recorded when a parcel is subdivided or  
16 when the boundaries of a parcel are changed;

17 (6) specify the time at which a State tax lien is deemed "filed" with a  
18 town clerk;

19 (7) require towns to bear the costs associated with returning the original  
20 copy of an instrument to the person who filed the instrument for record; and

1 (8) require town clerks to indorse an instrument and enter the instrument  
2 into a day book within 10 days of the date the instrument was filed or left for  
3 record.

4 An act relating to town clerk recording fees and town restoration and  
5 preservation reserve funds

6 It is hereby enacted by the General Assembly of the State of Vermont:

7 \* \* \* Town Clerk Fees, Town Fee Report, and Restoration Funds \* \* \*

8 Sec. 1. 32 V.S.A. § 611 is amended to read:

9 § 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

10 \* \* \*

11 (d) The report shall contain:

12 (1) an account of the amounts retained and spent from each town's

13 Restoration and Preservation Reserve Fund in the three prior fiscal years; and

14 (2) a summary of each town's plan to digitize records using funds

15 appropriated from the town's Restoration and Preservation Reserve Fund.

16 (e) A fee request shall contain any proposal to:

17 \* \* \*

18 Sec. 2. 32 V.S.A. § 1671 is amended to read:

19 § 1671. TOWN CLERK

1 (a) For the purposes of this section, a “page” is defined as a single side of a  
2 leaf of paper on which is printed, written, or otherwise placed information to  
3 be recorded or filed. The maximum covered area on a page shall be 7½ inches  
4 by 14 inches. All letters shall be at least one-sixteenth inch in height or in at  
5 least ~~eight-point~~ eight-point type. Unless otherwise provided by law, the fees  
6 to town clerks shall be as follows:

7 (1) For recording a trust mortgage deed as provided in 24 V.S.A.  
8 § 1155, ~~\$10.00~~ \$15.00 per page;

9 (2) For filing or recording a copy of a complaint to foreclose a mortgage  
10 as provided in 12 V.S.A. § 4523(b), ~~\$10.00~~ \$15.00 per page;

11 \* \* \*

12 (4) For examination of records by others a fee of ~~\$2.00~~ \$4.00 per hour  
13 may be charged;

14 \* \* \*

15 (6) For the recording or filing, or both, of any document that is to  
16 become a matter of public record in the town clerk’s office, ~~or a fee of \$15.00~~  
17 per page shall be charged; for any certified copy of such document, a fee of  
18 \$10.00 per page shall be charged; ~~except that~~ for the recording or filing, or  
19 both, of a property transfer return, a fee of ~~\$10.00~~ \$15.00 shall be charged;

20 \* \* \*

1 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee  
2 of ~~\$15.00~~ \$25.00 per 11 inch by 17 inch sheet, ~~\$15.00~~ \$25.00 per 18 inch by  
3 24 inch sheet, and ~~\$15.00~~ \$25.00 per 24 inch by 36 inch sheet shall be charged.

4 \* \* \*

5 (c)(1) The legislative body ~~may~~ shall create a Restoration and Preservation  
6 Reserve Fund of ~~no less than \$0.50 per page and no more than \$1.00 per page~~  
7 not less than \$4.00 per page from the per page recording fees established under  
8 ~~subdivisions (a)(1) and (6) of this section.~~

9 (2) The Restoration and Preservation Reserve Fund shall be used solely  
10 for restoration, preservation, digitization, storage, and conservation of  
11 municipal records. ~~If a municipality has previously established the Fund, no~~  
12 ~~additional action will be required.~~

13 (3) Notwithstanding subdivision (1), a municipality may allocate less  
14 than \$4.00 per page from recording fees if the clerk of the municipality  
15 annually certifies that the municipality has sufficient dedicated reserve funds to  
16 provide for the uses described in subdivision (2) of this subsection. On or  
17 before the third Monday of each year, the clerk shall submit a copy of the  
18 certification to the House Committee on Government Operations.

19 (d) ~~A legislative body may establish or abolish a Restoration Reserve Fund~~  
20 ~~only by affirmative vote at a legally warned meeting of the legislative body.~~  
21 Nothing in this section shall preclude a municipality from committing funds to

1 a Restoration and Preservation Reserve Fund in addition to those funds in  
2 subsection (c) of this section.

3 (e) Unspent funds in the Restoration and Preservation Reserve Fund shall  
4 carry over to subsequent fiscal years, and shall be available as needed for the  
5 purposes described in subsection (c) of this section.

6 (f) When more than one previously recorded instrument is affected by the  
7 terms of a new instrument submitted for recording, the per page fee established  
8 in this section shall be assessed for each document affected by the terms of the  
9 new instrument.

10 \* \* \* Filing of Digital Survey Plats \* \* \*

11 Sec. 3. 27 V.S.A. § 1401 is amended to read:

12 § 1401. ACCEPTANCE OF SURVEY PLATS; DEFINITION

13 (a) Each town clerk shall accept survey plats for filing and maintain files  
14 and indices to files of survey plats in accordance with this chapter.

15 (b) ~~For purposes of~~ As used in this chapter,:

16 (1) ~~“survey Survey plat” shall mean~~ means a map or plan drawn to scale  
17 of one or more parcels, tracts or subdivisions of land, showing, but not limited  
18 to, boundaries, corners, markers, monuments, easements, and other rights.

19 (2) “Center” means the Vermont Center for Geographic Information.

20 (c)(1) Whenever a survey plat that maps the subdivision of a parcel or a  
21 change in a parcel boundary is filed for record with a town clerk, the surveyor

1 who created the survey plat shall submit a digital copy of the plat to the Center.  
2 The Center shall maintain digital copies of survey plats in a statewide digital  
3 repository and make them available to the public.

4 (2) The failure of a surveyor to comply with subdivision (1) this  
5 subsection shall not void, alter, or invalidate the subdivision or boundary  
6 adjustment, and shall not render the title to the property depicted in the survey  
7 plat unmarketable.

8 (d) The survey plat filed with the town clerk shall be the official plat of  
9 record.

10 Sec. 4. 27 V.S.A. § 1403 is amended to read:

11 § 1403. COMPOSITION OF SURVEY PLATS

12 \* \* \*

13 (f) A digital copy of a survey plat filed with the Center pursuant to  
14 section 1401 of this chapter shall be submitted in portable document format  
15 (PDF). The Board of Land Surveyors, in consultation with the Center, shall  
16 have the authority to establish a digital survey standard for digital copies of  
17 survey plats.

18 Sec. 5. 27 V.S.A. § 341 is amended to read:

19 § 341. REQUIREMENTS GENERALLY; RECORDING

20 \* \* \*

1 (b)(1) A deed or other conveyance of land that includes a reference to a  
2 survey prepared or revised after July 1, 1988 may be recorded only if it is  
3 accompanied by the survey to which it refers, or cites the volume and page in  
4 the land records showing where the survey has previously been recorded.

5 (2) If the conveyance of land results in the subdivision of a parcel, or a  
6 change in the boundaries of a parcel, the deed shall:

7 (A) be accompanied by a survey plat that depicts the new parcel  
8 boundaries; or

9 (B) cite the volume and page in the land records that indicates where  
10 the new parcel boundaries have previously been recorded.

11 (3) The failure to comply with subdivision (2) of this subsection shall  
12 not:

13 (A) void or invalidate the deed or other instruments recorded; or

14 (B) render the title to the property depicted in the survey plat  
15 unmarketable.

16 \* \* \*

17 \* \* \* Recording of Tax Liens \* \* \*

18 Sec. 6. 32 V.S.A. § 5895 is amended to read:

19 § 5895. TAX LIABILITY AS PROPERTY LIEN

20 (a)(1) If any corporation, partnership, individual, trust, or estate required to  
21 pay or remit any tax liability under this chapter neglects or refuses to pay it in

1 accordance with this chapter after notification or assessment thereof under  
2 sections 3202 and 3203 of this title, the aggregate amount of the tax liability  
3 then due and owing, together with any costs that may accrue in addition  
4 thereto, shall be a lien in favor of this State upon all property and rights to  
5 property, whether real or personal, belonging to the corporation, partnership,  
6 individual, trust, or estate.

7 (2) The lien shall arise at the time the notification or assessment is made  
8 by the Commissioner and shall continue until the aggregate tax liability with  
9 costs is satisfied in full or becomes unenforceable by reason of lapse of time.

10 The lien shall be valid as against any subsequent mortgagee, pledgee,  
11 purchaser, or judgment creditor when notice of the lien and the sum due has  
12 been filed by the Commissioner with the clerk of the town or city in which the  
13 property subject to lien is situated, or, in the case of an unorganized town,  
14 gore, or grant, in the office of the clerk of the county wherein the property is  
15 situated. The lien shall be deemed filed when the clerk of the town or city

16 indorses a certificate on the lien pursuant to 24 V.S.A. § 1159.

17 \* \* \*

18 \* \* \* Miscellaneous Recording Procedures \* \* \*

19 Sec. 7. 24 V.S.A. § 1154a is added to read:

20 § 1154a. RECORDS; RETURN POSTAGE



1 Whenever an instrument listed in section 1154 of this chapter is filed or left  
2 for record with the town clerk, the town shall bear the costs of returning the  
3 original copy of the instrument to the person who filed or left the instrument  
4 for record.

5 Sec. 8. 24 V.S.A. § 1156 is amended to read:

6 § 1156. CHATTEL MORTGAGES; CONDITIONAL SALES; DISCHARGE  
7 OF LIEN

8 Within 15 days after a chattel mortgage, a sufficient memorandum of a  
9 conditional vendor's lien, or a memorandum of a discharge of such mortgage  
10 or lien has been delivered to a town clerk for recording, accompanied by the  
11 requisite recording fee ~~and a sum to cover return postage~~ provided in  
12 32 V.S.A. § 1671, such clerk shall record such mortgage, lien, or discharge and  
13 return the original to the person entitled thereto.

14 Sec. 9. 24 V.S.A. § 1159 is amended to read:

15 § 1159. INDORSEMENT OF TIME OF RECEIVING INSTRUMENTS

16 ~~When a deed or other written instrument is filed or left for record with the~~  
17 ~~town clerk, he or she shall indorse thereon a certificate of the date of its~~  
18 ~~reception. If the paper is left for record, the certificate shall so state and also~~  
19 ~~shall contain the time of day and be included in the record thereof.~~

20 An instrument shall be deemed recorded when the instrument is delivered to  
21 the town clerk with the recording fee provided in 32 V.S.A. § 1671 and all

1 supporting documents required by statute. The clerk shall note on the  
2 instrument the date of its reception. The clerk shall note the name or names of  
3 the parties, the type of instrument, the date of the instrument, and the date of  
4 recording in a day book, printed index, or digital index that is open to public  
5 inspection.

6 Sec. 10. EFFECTIVE DATE

7 This act shall take effect on July 1, 2019.

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