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H.526

Introduced by Committee on Government Operations

Date:

Subject: Municipal Government; records; fees; town clerk

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

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

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

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

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

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

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

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

2 § 1671. TOWN CLERK

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

9 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
10 § 1155, ~~\$10.00~~ \$15.00 per page;

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

13 * * *

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

16 * * *

17 (6) For the recording or filing, or both, of any document that is to
18 become a matter of public record in the town clerk’s office, ~~or a fee of \$15.00~~
19 per page shall be charged; for any certified copy of such document, a fee of
20 \$10.00 per page shall be charged; ~~except that~~ for the recording or filing, or
21 both, of a property transfer return, a fee of ~~\$10.00~~ \$15.00 shall be charged;

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

* * *

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

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

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

(d) ~~A legislative body may establish or abolish a Restoration Reserve Fund only by affirmative vote at a legally warned meeting of the legislative body.~~

1 Nothing in this section shall preclude a municipality from committing funds to
2 a Restoration and Preservation Reserve Fund in addition to those funds in
3 subsection (c) of this section.

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

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

11 * * * Filing of Digital Survey Plats * * *

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

13 § 1401. ACCEPTANCE OF SURVEY PLATS; DEFINITION

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

16 (b) ~~For purposes of~~ As used in this chapter;

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

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

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

2 § 341. REQUIREMENTS GENERALLY; RECORDING

3 * * *

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

8 (2) If the conveyance of land results in the subdivision of a parcel or a
9 change in the boundaries of a parcel after January 1, 2020, the deed shall:

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

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

14 (3) The failure to comply with this subsection shall not:

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

16 (B) render the title to the property depicted in the survey plat
17 unmarketable.

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* * * Miscellaneous Recording Procedures * * *

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

§ 1154a. RECORDS; RETURN POSTAGE

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

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

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

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

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

§ 1159. INDORSEMENT OF TIME OF RECEIVING INSTRUMENTS

~~When a deed or other written instrument is filed or left for record with the town clerk, he or she shall indorse thereon a certificate of the date of its~~

1 ~~reception. If the paper is left for record, the certificate shall so state and also~~
2 ~~shall contain the time of day and be included in the record thereof.~~

3 (a) An instrument shall be deemed recorded when the town clerk:

4 (1) receives the instrument, the recording fee provided in 32 V.S.A.
5 § 1671, and all supporting documents required by statute; and

6 (2) indorses a certificate of the date of reception on the instrument.

7 (b) Within three days following the date an instrument is indorsed, the
8 clerk shall enter the name or names of the parties, the type of instrument, the
9 date of the instrument, and the date of recording in a day book, printed index,
10 or digital index that is open to public inspection. A town clerk may extend the
11 time for entering the information for good cause shown, including reasons
12 related to illness or absence of the clerk.

13 * * * Effective Dates * * *

14 Sec. 10. EFFECTIVE DATES

15 (a) This section and Secs. 1–2 (town clerk fees; town fee report),
16 6 (recording of tax liens); 7–9 (recording procedures) shall take effect on
17 July 1, 2019.

18 (b) Secs. 3–5 shall take effect on January 1, 2020.