House Bill 810 (AS PASSED HOUSE AND SENATE)

By: Representative Jenkins of the 93rd

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees of superior court clerks, so as to provide for certain fees and to extend the sunset date of such fees; to amend Code Section 15-6-97 of the Official Code of Georgia Annotated, relating to the state-wide uniform automated information system for property records, so as to extend the sunset date of said Code section; to amend Code Section 15-6-98 of the Official Code of Georgia Annotated, relating to collection and remittance of certain fees to the Georgia Superior Court Clerks´ Cooperative Authority, so as to extend the sunset date of said Code section; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees of superior court clerks, is amended by striking subsections (f) and (f.1) in their entirety and inserting in lieu thereof the following:

"(f) Until ~~January 1, 2006~~ July 1, 2010, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:

(1)(A)(i) Filing all instruments pertaining to real estate including deeds, deeds of trust, affidavits, releases, notices and certificates, and cancellation of deeds, first page . . . . . $ 9.50

Each page, after the first 2.00

(ii) Filing all instruments pertaining to real estate and personal property including liens on real estate and personal property, notice filings for Uniform Commercial Code related real estate, tax liens, hospital liens, writs of fieri facias, notices of lis pendens, written information on utilities, cancellations of liens, and writs of fieri facias, first page 4.50

Each page, after the first 2.00

(B) Filing and indexing financing statements, amendments to financing statements, continuation statements, termination statements, release of collateral, or other filing pursuant to Article 9 of Title 11, first page 10.00

Each page, after the first 2.00

(2) Filing maps or plats, each page 7.50

(3) For processing an assignment of a security deed, for each deed assigned 4.50

(f.1) On and after ~~January 1, 2006~~ July 1, 2010, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:

(1)(A) Filing all instruments pertaining to real estate and personal property except as otherwise specified in this Code section, including but not limited to the filing of deeds, deeds of trust, affidavits, releases, notices, certificates, liens on real estate and personal property, notice filings for Uniform Commercial Code related real estate, tax liens, hospital liens, writs of fieri facias, notices of lis pendens, written information on utilities, and cancellation of deeds, liens, and writs of fieri facias, first page . . . . . $ 4.50

Each page, after the first 2.00

(B) Filing and indexing financing statements, amendments to financing statements, continuation statements, termination statements, release of collateral, or other filing pursuant to Part 4 of Article 9 of Title 11, first page 10.00

Each page, after the first 2.00

(2) Filing maps or plats, each page 7.50

(3) For processing an assignment of a security deed, for each deed assigned . . . . . 4.50″

SECTION 2.

Code Section 15-6-97 of the Official Code of Georgia Annotated, relating to the state-wide uniform automated information system for property records, is amended by striking such Code section in its entirety and inserting in lieu thereof the following:

"15-6-97.

(a) The Georgia Superior Court Clerks´ Cooperative Authority or its designated agent shall develop and implement a state-wide uniform automated information system for real and personal property records, excluding filings made pursuant to Article 9 of Title 11. In furtherance of development and implementation of the system, the authority shall have the ability to contract with the clerks of superior courts and any other parties that the authority deems necessary. The Georgia Superior Court Clerks´ Cooperative Authority shall have authority to implement rules and regulations necessary to develop and implement the system described in this Code section.

(b) The Georgia Superior Court Clerks´ Cooperative Authority shall have the following powers and duties in addition to those otherwise provided by law:

(1) To provide for the collection of moneys;

(2) To manage, control, and direct such funds and the expenditures made therefrom;

(3) To distribute the moneys at the discretion of the authority in such manner and subject to such terms and limitations as the Georgia Superior Court Clerks´ Cooperative Authority in its discretion shall determine will best further the public purpose of the authority; and

(4) To exercise all other powers necessary for the development and implementation of the system provided for in this Code section.

(c) This Code section shall be repealed in its entirety on ~~January 1, 2006~~ July 1, 2010."

SECTION 3.

Code Section 15-6-98 of the Official Code of Georgia Annotated, relating to collection and remittance of certain fees to the Georgia Superior Court Clerks´ Cooperative Authority, is amended by striking such Code section in its entirety and inserting in lieu thereof the following:

"15-6-98.

(a) The clerk of the superior court of each county of this state shall collect for each court in which he or she serves as clerk the fees provided for in this chapter.

(b) From the fees enumerated in division (f)(1)(A)(i) of Code Section 15-6-77, the Georgia Superior Court Clerks´ Cooperative Authority shall collect from each clerk of superior court $5.00 from each fee collected.

(c) The sums withheld pursuant to division (f)(1)(A)(i) of Code Section 15-6-77 shall be remitted to the Georgia Superior Court Clerks´ Cooperative Authority by each clerk of a superior court for the purpose of effectuating the provisions of this Code section and any other provision of law. Such fees shall be remitted not later than the tenth day of the month following the collection of such fees by the clerk of a superior court.

(d) This Code section shall be repealed in its entirety on ~~January 1, 2006~~ July 1, 2010.″

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.