

REPRINT
SUBSTITUTE FOR
SENATE BILL NO. 63

(As passed the Senate December 5, 2002)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2567 (MCL 600.2567), as amended by 1990
PA 346, and by adding section 2568.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2567. (1) ~~—A—~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A
2 register of deeds is entitled to the following fees, which are
3 not taxable as costs except as indicated:
4 (a) For entering and recording a deed, mortgage, certified
5 copy of an attachment, notice of the pendency of a suit, or other
6 instrument, ~~—\$5.00—~~ \$8.00 for the first page and ~~—\$2.00—~~ \$3.00
7 for each additional and succeeding page. ~~—If a document assigns~~
8 ~~or discharges more than 1 instrument, \$1.00 shall be added to the~~
9 ~~page price for each additional instrument assigned or~~
10 ~~discharged.~~ The fee shall be paid when the deed, mortgage,

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1 certified copy of an attachment, notice of the pendency of a
2 suit, or other instrument is left for record. UNTIL DECEMBER 31,
3 2006, THE REGISTER OF DEEDS SHALL DEPOSIT \$5.00 OF THE TOTAL FEE
4 COLLECTED FOR EACH RECORDING INTO THE AUTOMATION FUND ESTABLISHED
5 UNDER SECTION 2568. FOR ANY DOCUMENT THAT ASSIGNS OR DISCHARGES
6 MORE THAN 1 INSTRUMENT, \$3.00 SHALL BE ADDED TO THE RECORDING FEE
7 FOR EACH ADDITIONAL INSTRUMENT ASSIGNED OR DISCHARGED.

8 (b) For copies of any records or papers, if required, \$1.00
9 per page, taxable as costs if otherwise allowed.

10 (c) For a seal to exemplification, \$1.00.

11 (d) For searching the records and files, ~~in~~ ON REQUEST, BY
12 the office of the register of deeds, ~~10~~ 50 cents for each year
13 for which GRANTOR/GRANTEE searches are made, with a minimum fee
14 of ~~\$1.00~~ \$5.00, EXCEPT THAT THE FEE FOR TRACT INDEX SEARCHES
15 SHALL BE BASED UPON THE COST OF ESTABLISHING AND MAINTAINING A
16 TRACT INDEX.

17 (e) For filing every other paper, and making an entry of it,
18 if necessary, \$1.00, unless otherwise specifically provided for.

19 (f) For searching for every other paper, on request, ~~10~~
20 ~~cents~~ BY THE OFFICE OF THE REGISTER OF DEEDS, \$1.00 for each
21 paper examined.

22 (2) In addition to any other fees prescribed in
23 subsection (1) or ~~(5)~~ (3), a register of deeds shall collect a
24 fee of \$2.00 for entering and recording a deed, mortgage, certi-
25 fied copy of an attachment, notice of the pendency of a suit, or
26 other instrument. The fee shall be paid when the deed, mortgage,

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1 certified copy of an attachment, notice of the pendency of a
2 suit, or other instrument is left for record.

3 ~~(3) For purposes of this section, "page" means 1 side of a~~
4 ~~single sheet of paper not exceeding 8-1/2 inches in width and 14~~
5 ~~inches in length and not less than 13 (17 x 22--500) pound weight~~
6 ~~on which the printed or typed words are legible and not smaller~~
7 ~~than 8-point type.~~

8 ~~(4) The county board of commissioners may reduce or elimi-~~
9 ~~nate the fees specified in subsection (1)(b), (d), or (f).~~

10 (3) ~~(5)~~ A charter county may impose a fee schedule by
11 ordinance OR RESOLUTION with different amounts than the amounts
12 prescribed by subsection (1). A charter county shall not impose
13 a fee that is greater than the cost of the service for which the
14 fee is charged.

15 (4) AS USED IN THIS SECTION, "PAGE" MEANS 1 SIDE OF A SINGLE
16 SHEET OF PAPER AT LEAST 8-1/2 INCHES BY 11 INCHES IN LENGTH AND
17 NOT EXCEEDING 8-1/2 INCHES BY 14 INCHES IN LENGTH AND NOT LESS
18 THAN 20-POUND WEIGHT.

19 SEC. 2568. (1) EACH COUNTY IN THIS STATE SHALL ESTABLISH AN
20 AUTOMATION FUND, AND THAT FUND SHALL RECEIVE MONEY DEPOSITED BY
21 THE REGISTER OF DEEDS OF THE COUNTY IN ACCORDANCE WITH SECTION
22 2567. THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE FUND
23 AND SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
24 INVESTMENTS.

25 (2) THE COUNTY REGISTER OF DEEDS OF EACH COUNTY SHALL EXPEND
26 THE FEES CREDITED TO THE FUND UNDER SECTION 2567 SUBJECT TO AN
27 APPROPRIATION UNDER THE UNIFORM BUDGETING AND ACCOUNTING ACT,

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1 1968 PA 2, MCL 141.421 TO 141.440A, FOR UPGRADING TECHNOLOGY IN
2 THE REGISTER OF DEEDS OFFICE, WITH PRIORITY GIVEN TO UPGRADING
3 SEARCH CAPABILITIES. UPGRADING INCLUDES THE DESIGN AND PURCHASE
4 OF EQUIPMENT AND SUPPLIES, AND IMPLEMENTATION OF SYSTEMS AND PRO-
5 CEDURES THAT ALLOW THE REGISTER OF DEEDS TO RECEIVE, ENTER,
6 RECORD, CERTIFY, INDEX, STORE, SEARCH, RETRIEVE, COPY, AND OTHER-
7 WISE PROCESS BY AUTOMATED PROCEDURES AND ADVANCED TECHNOLOGY DOC-
8 UMENTS, INSTRUMENTS, ABSTRACTS, MAPS, PLATS, AND OTHER ITEMS
9 RECORDED AND MAINTAINED BY THE REGISTER OF DEEDS.

10 (3) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SUBSECTION, EACH REGISTER OF DEEDS
12 SHALL BEGIN TO IMPLEMENT PROCEDURES TO PROCESS AND MAKE AVAILABLE
13 ALL ITEMS RECORDED, COMPILED, OR MAINTAINED BY THAT REGISTER OF
14 DEEDS, USING THE AUTOMATED PROCEDURES AND ADVANCED TECHNOLOGY
15 DESCRIBED IN SUBSECTION (2) TO THE MAXIMUM EXTENT FEASIBLE UTI-
16 LIZING THE FUND CREATED UNDER SUBSECTION (1).

17 (4) FOUR YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
18 ACT THAT ADDED THIS SECTION, THE REGISTER OF DEEDS OF EACH COUNTY
19 SHALL PREPARE A REPORT TO THE LEGISLATURE THAT ADDRESSES, BUT IS
20 NOT LIMITED TO, EACH OF THE FOLLOWING ISSUES:

21 (A) THE PROGRESS THAT HAS BEEN MADE BY THE REGISTER OF DEEDS
22 SINCE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
23 SECTION IN ACHIEVING A GOAL OF TIMELY PROCESSING OF RECORDABLE
24 INSTRUMENTS.

25 (B) THE EXTENT TO WHICH THE REGISTER OF DEEDS HAS MADE
26 RECORDS IN THE REGISTER'S POSSESSION COMPUTER ACCESSIBLE BY WAY
27 OF INTERNET WEBSITES OR OTHER ON-LINE MEDIA.

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1 (5) THE REPORTS REQUIRED UNDER SUBSECTION (4) MAY BE
2 COMPILED INTO A SINGLE REPORT BY AN AGENT OF THE COUNTY REGISTERS
3 OF DEEDS BEFORE IT IS SUBMITTED TO THE LEGISLATURE.