

# SENATE BILL No. 63

February 1, 2001, Introduced by Senator HAMMERSTROM and referred to the Committee on Finance.

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 SUBSECTIONS (3)  
2 AND (4), A register of deeds is entitled to the following fees,  
3 which are 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,

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 the office of the  
12 register of deeds, ~~10~~ 50 cents for each year for which  
13 GRANTOR/GRANTEE searches are made, with a minimum fee of ~~\$1.00~~  
14 \$5.00, EXCEPT THAT THE FEE FOR TRACT INDEX SEARCHES SHALL BE  
15 BASED UPON THE COST OF ESTABLISHING AND MAINTAINING A TRACT  
16 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~~ \$1.00 for each paper examined.

21 (2) In addition to any other fees prescribed in subsection  
22 (1) or ~~(5)~~ (4), a register of deeds shall collect a fee of  
23 ~~\$2.00~~ \$4.00 for entering and recording a deed, mortgage, certi-  
24 fied copy of an attachment, notice of the pendency of a suit, or  
25 other instrument. The fee shall be paid when the deed, mortgage,  
26 certified copy of an attachment, notice of the pendency of a  
27 suit, or other instrument is left for record. THE FEES COLLECTED

1 UNDER THIS SUBSECTION SHALL BE USED BY THE COUNTIES FOR THE  
2 PURPOSES SET FORTH IN SECTION 12 OF THE STATE SURVEY AND REMONU-  
3 MENTATION ACT, 1990 PA 345, MCL 54.272, EXCEPT AS OTHERWISE PRO-  
4 VIDED IN THIS SUBSECTION. IF THE STATE SURVEY AND REMONUMENTA-  
5 TION COMMISSION DETERMINES THAT A COUNTY HAS IMPLEMENTED ALL  
6 ASPECTS OF THE COUNTY PLAN ESTABLISHED UNDER SECTION 8 OF THE  
7 STATE SURVEY AND REMONUMENTATION ACT, 1990 PA 345, MCL 54.268,  
8 EXCEPT FOR THE PERPETUAL MONUMENT MAINTENANCE REQUIRED UNDER SEC-  
9 TION 8(2)(D) OF THE STATE SURVEY AND REMONUMENTATION ACT, 1990 PA  
10 345, MCL 54.268, THE FEES COLLECTED UNDER THIS SUBSECTION BY THAT  
11 COUNTY SHALL BE REMITTED TO THE STATE TREASURER AND DEPOSITED IN  
12 THE SURVEY AND REMONUMENTATION FUND IN THE MANNER PROVIDED IN  
13 SECTION 2567A. IF THE STATE SURVEY AND REMONUMENTATION COMMIS-  
14 SION DETERMINES THAT ALL COUNTIES IN THIS STATE HAVE IMPLEMENTED  
15 ALL ASPECTS OF THE COUNTY PLAN ESTABLISHED UNDER SECTION 8 OF THE  
16 STATE SURVEY AND REMONUMENTATION ACT, 1990 PA 345, MCL 54.268,  
17 EXCEPT FOR THE PERPETUAL MONUMENT MAINTENANCE REQUIRED UNDER SEC-  
18 TION 8(2)(D) OF THE STATE SURVEY AND REMONUMENTATION ACT, 1990 PA  
19 345, MCL 54.268, THE FEES COLLECTED UNDER THIS SUBSECTION MAY BE  
20 DEPOSITED IN THE GENERAL FUND OF THE COUNTY IN WHICH THEY ARE  
21 COLLECTED.

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

1       (3) ~~-(4)-~~ The county board of commissioners may reduce or  
2 eliminate the fees specified in subsection (1)(b), (d), or (f).

3       (4) ~~-(5)-~~ A charter county may impose a fee schedule by  
4 ordinance OR RESOLUTION with different amounts than the amounts  
5 prescribed by subsection (1). A charter county shall not impose  
6 a fee that is greater than the cost of the service for which the  
7 fee is charged.

8       (5) AS USED IN THIS SECTION, "PAGE" MEANS 1 SIDE OF A SINGLE  
9 WHITE SHEET OF PAPER NOT LESS THAN 8-1/2 INCHES WIDE AND 11  
10 INCHES LONG OR MORE THAN 8-1/2 INCHES WIDE AND 14 INCHES LONG,  
11 AND OF NOT LESS THAN 20-POUND WEIGHT.

12       SEC. 2568. (1) EACH COUNTY IN THIS STATE SHALL ESTABLISH AN  
13 AUTOMATION FUND, AND THAT FUND SHALL RECEIVE MONEY DEPOSITED BY  
14 THE REGISTER OF DEEDS OF THE COUNTY IN ACCORDANCE WITH SECTION  
15 2567. THE COUNTY TREASURER SHALL DIRECT INVESTMENT OF THE FUND  
16 AND SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND  
17 INVESTMENTS.

18       (2) THE COUNTY REGISTER OF DEEDS OF EACH COUNTY SHALL EXPEND  
19 THE FEES CREDITED TO THE FUND UNDER SECTION 2567 SUBJECT TO AN  
20 APPROPRIATION UNDER THE UNIFORM BUDGETING AND ACCOUNTING ACT,  
21 1968 PA 2, MCL 141.421 TO 141.440A, FOR UPGRADING TECHNOLOGY IN  
22 THE REGISTER OF DEEDS OFFICE, WITH PRIORITY GIVEN TO UPGRADING  
23 SEARCH CAPABILITIES. UPGRADING INCLUDES THE DESIGN AND PURCHASE  
24 OF EQUIPMENT AND SUPPLIES, AND IMPLEMENTATION OF SYSTEMS AND PRO-  
25 CEDURES THAT ALLOW THE REGISTER OF DEEDS TO RECEIVE, ENTER,  
26 RECORD, CERTIFY, INDEX, STORE, SEARCH, RETRIEVE, COPY, AND  
27 OTHERWISE PROCESS BY AUTOMATED PROCEDURES AND ADVANCED TECHNOLOGY

1 DOCUMENTS, INSTRUMENTS, ABSTRACTS, MAPS, PLATS, AND OTHER ITEMS  
2 RECORDED AND MAINTAINED BY THE REGISTER OF DEEDS.

3 (3) NOT LATER THAN JANUARY 1, 2003, EACH REGISTER OF DEEDS  
4 SHALL BEGIN TO IMPLEMENT PROCEDURES TO PROCESS AND MAKE AVAILABLE  
5 ALL ITEMS RECORDED, COMPILED, OR MAINTAINED BY THAT REGISTER OF  
6 DEEDS AFTER JANUARY 1, 2003, USING THE AUTOMATED PROCEDURES AND  
7 ADVANCED TECHNOLOGY DESCRIBED IN SUBSECTION (2) TO THE MAXIMUM  
8 EXTENT FEASIBLE UTILIZING THE FUND CREATED UNDER SUBSECTION (1).

9 (4) THERE IS ESTABLISHED A BIPARTISAN AUTOMATION COMMITTEE,  
10 WHICH SHALL MAKE RECOMMENDATIONS TO THE LEGISLATURE CONCERNING  
11 CONTINUED FUNDING AFTER DECEMBER 31, 2006 OF THE AUTOMATION FUND  
12 ESTABLISHED UNDER THIS SECTION. THE COMMITTEE SHALL CONSIST OF 8  
13 LEGISLATORS, WHO SHALL BE SELECTED AS FOLLOWS:

14 (A) THE MAJORITY LEADER OF THE SENATE SHALL APPOINT 4 MEM-  
15 BERS OF THE COMMITTEE, NO MORE THAN 2 OF WHOM SHALL BE FROM THE  
16 SAME PARTY.

17 (B) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL  
18 APPOINT 4 MEMBERS OF THE COMMITTEE, NO MORE THAN 2 OF WHOM SHALL  
19 BE FROM THE SAME PARTY.

20 (5) FOUR YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
21 ACT THAT ADDED THIS SECTION, THE REGISTER OF DEEDS OF EACH COUNTY  
22 SHALL PREPARE A REPORT TO THE BIPARTISAN AUTOMATION COMMITTEE  
23 THAT ADDRESSES, BUT IS NOT LIMITED TO, EACH OF THE FOLLOWING  
24 ISSUES:

25 (A) THE PROGRESS THAT HAS BEEN MADE BY THE REGISTER OF DEEDS  
26 SINCE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
27 SECTION IN ACHIEVING A GOAL OF RECORDING AN INSTRUMENT WITHIN 10

1 OR FEWER BUSINESS DAYS OF THE DATE THE INSTRUMENT WAS FILED. THE  
2 10-BUSINESS-DAY STANDARD SHALL BE COMPUTED FOR MORTGAGE-RELATED  
3 DOCUMENTS AS A MOVING 3-MONTH DAILY AVERAGE OF THE NUMBER OF  
4 BUSINESS DAYS RECORDING OCCURS AFTER FILING.

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

8 (C) WHETHER SERIOUS PROBLEMS RELATING TO TITLE DISPUTES OR  
9 RELATED PROBLEMS HAVE OCCURRED THAT RESULTED IN WHOLE OR IN PART  
10 FROM DELAYS IN RECORDING FILED DOCUMENTS, OR FROM FILED DOCUMENTS  
11 BEING RECORDED OUT OF SEQUENCE, THUS RESULTING IN LOSSES OR GREAT  
12 INCONVENIENCE TO HOMEOWNERS, LENDERS, OR TITLE INSURANCE  
13 UNDERWRITERS.

14 (6) THE REPORTS REQUIRED UNDER SUBSECTION (5) MAY BE COM-  
15 PILED INTO A SINGLE REPORT BY AN AGENT OF THE COUNTY REGISTERS OF  
16 DEEDS BEFORE IT IS SUBMITTED TO THE BIPARTISAN AUTOMATION  
17 COMMITTEE.