S T A T E O F N E W Y O R K

3417

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to authorizing certain counties to increase the fees imposed for recording certain instruments with the county clerk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph a of paragraph 4 of subdivision (a) of section 8021 of the civil practice law and rules, as amended by chapter 288 of the laws of 2008, is amended to read as follows:

a. (1) For recording, entering, indexing and endorsing a certificate on any instrument, five dollars, and, in addition thereto, three dollars for each page or portion of a page, and fifty cents for each additional town, city, block or other indices in which such instrument is to be indexed as directed by the endorsement thereon. On the assignment of a mortgage which assigns more than one mortgage or on a release of lease which releases more than one lease, then there shall be an additional fee of three dollars for every mortgage assigned or lease released in excess of one.

(2) Notwithstanding clause one of this subparagraph, any county may opt by county law to increase the fee for recording, entering, indexing and endorsing a certificate on any instrument from five dollars to [twenty] *TWENTY-FIVE* dollars and, in addition thereto, increase from three dollars to five dollars for each page or portion of a page. Such increase shall take effect thirty days after the county enacts such fees. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent a county clerk has placed an image of such cover page online, such county clerk shall make a good faith effort to redact such information.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2. Subparagraph a of paragraph 11 of subdivision (b) of section 8021 of the civil practice law and rules, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

a. (1) For recording any instrument required by statute to be recorded, in counties within the city of New York, ten dollars, and in all other counties, five dollars, and, in addition thereto, three dollars for each page or portion of a page recorded, except that the charge for instruments of surrender and orders of commitment required to be filed and recorded pursuant to section three hundred eighty-four of the social services law shall be ten dollars per instrument or order in counties within the city of New York, and in all other counties, five dollars per instrument or order.

(2) NOTWITHSTANDING THE PROVISIONS OF CLAUSE ONE OF THIS SUBPARAGRAPH, ANY COUNTY, NOT WHOLLY ENCOMPASSED BY A CITY, MAY BY COUNTY LAW INCREASE THE FEE FOR RECORDING ANY INSTRUMENT REQUIRED BY STATUTE TO BE RECORDED FROM FIVE DOLLARS TO TWENTY-FIVE DOLLARS AND, IN ADDITION THERETO, INCREASE FROM THREE DOLLARS TO FIVE DOLLARS FOR EACH PAGE OR PORTION OF A PAGE RECORDED. SUCH INCREASE SHALL TAKE EFFECT THIRTY DAYS AFTER THE COUNTY ENACTS SUCH COUNTY LAW.

S 3. This act shall take effect immediately.