

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1643

95TH GENERAL ASSEMBLY

3802L.01T

2010

AN ACT

To repeal sections 193.265 and 429.110, RSMo, and to enact in lieu thereof four new sections relating to recording fees.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 193.265 and 429.110, RSMo, are repealed and four new sections
2 enacted in lieu thereof, to be known as sections 59.003, 59.318, 193.265 and 429.110, to read
3 as follows:

**59.003. All requests for records filed or recorded by the recorder of deeds under this
2 chapter dated after December 31, 1969, shall be made to the office of the recorder of deeds
3 in which the record was originally recorded.**

**59.318. A donation of one dollar may be collected by the recorder of deeds for any
2 county with a charter form of government and with more than six hundred thousand but
3 fewer than seven hundred thousand inhabitants, over and above any fees required by law,
4 when any instruments specified in subdivisions (3) and (5) of section 59.330 are recorded.
5 The donations collected for the recorded instrument shall be forwarded monthly by the
6 recorder of deeds to the county treasurer, and the donations so forwarded shall be
7 deposited by the county treasurer into the housing resource commission fund to assist
8 homeless families and provide financial assistance to organizations addressing
9 homelessness in the county. The recorder shall provide a check-off box for such donation
10 on the application form.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900, RSMo. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410, RSMo. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system which shall be implemented no later than December 31, 2009. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth,

34 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; **except**
35 **that, in any county with a charter form of government and with more than six hundred**
36 **thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar**
37 **may be collected by the local registrar over and above any fees required by law when a**
38 **certification or copy of any marriage license or birth certificate is provided, with such**
39 **donations collected to be forwarded monthly by the local registrar to the county treasurer**
40 **of such county and the donations so forwarded to be deposited by the county treasurer into**
41 **the housing resource commission fund to assist homeless families and provide financial**
42 **assistance to organizations addressing homelessness in such county. The local registrar**
43 **shall include a check-off box on the application form for such copies. All fees, other than**
44 **the donations collected in any county with a charter form of government and with more**
45 **than six hundred thousand but fewer than seven hundred thousand inhabitants for**
46 **marriage licenses and birth certificates,** shall be deposited to the official city or county health
47 agency. A certified copy of a death record by the local registrar can only be issued within
48 twenty-four hours of receipt of the record by the local registrar. Computer-generated
49 certifications of death records may be issued by the local registrar after twenty-four hours of
50 receipt of the records. The fees paid to the official county health agency shall be retained by the
51 local agency for local public health purposes.

429.110. Whenever property is sought to be charged with a lien under sections 429.010
2 to 429.340, and the owner of the property so sought to be charged shall not be a resident of this
3 state, or shall have no agent in the county in which said property is situate, or when such owner
4 shall be a resident of the state, but conceals himself, or has absconded, or absents himself from
5 his usual place of abode, so that the notice required by section 429.100 cannot be served upon
6 him, then, and in every such case, such notice may be [filed] **recorded** with the recorder of deeds
7 of the county in which such property is situate, and when [filed] **recorded** shall have like effect
8 as if served upon such owner or his agent in the manner contemplated by section 429.100[; and
9 a copy of such notice so filed, together with the certificate of such recorder of deeds that the
10 same is a correct copy of the notice so filed, shall be received in all courts of this state as
11 evidence of the service, as herein provided, of such notice; and the recorder of deeds in each
12 county of this state shall receive, file and keep every such notice so presented to him for filing,
13 and shall further record the same at length in a separate book appropriately entitled; and for such
14 service so performed, such recorder shall receive for each notice the sum of twenty-five cents,

15 and for each copy so certified as aforesaid of each of said notices, shall receive the sum of fifty
16 cents, to be paid by the party so filing or procuring such certified copy, as the case may be, and
17 the costs of filing and of one certified copy] . **Such notice shall be accompanied by an**
18 **applicable fee for recording and** shall be taxed as costs in any lien suit to which the same
19 pertains, to abide the result of the suit.

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