

§752. Records preservation surcharge

1. Surcharge. In addition to any other fees required by law, a register of deeds may collect a surcharge of ~~\$3~~ \$10 per document for all records that are recorded in the registry of deeds, except those recorded by agencies of State Government, including quasi-independent state entities as defined in [Title 5, section 12021, subsection 5](#), and municipalities.
2. Account. The surcharge imposed in [subsection 1](#) must be transferred to the county treasurer who shall deposit it in a separate nonlapsing account within 30 days of receipt. Money in the account is not available for use as a general revenue of the county. Interest earned on the account must be credited to the account.
3. Expenditures from account. The money in the account established in [subsection 2](#) must be used for the restoration, re-creation and preservation of the records recorded in the office of the register of deeds, including preservation by creation of a digital image stored on magnetic or optical media. The money may not be used for initial recording of documents.
4. Repeal.
5. Annual report. The register of deeds for each county shall report annually to the joint standing committee of the Legislature having jurisdiction over state and local government matters on the amount of surcharge funds raised and expended and the use of those funds if requested to do so by the committee. The registers of deeds may jointly prepare and submit the report required under this subsection, as long as the required information is separately described for each county.
6. Misappropriation of funds; penalty. Any county that uses funds from the records preservation surcharge account established in [subsection 2](#) for any purpose that is not in accordance with the standards established in [subsection 3](#) commits a civil violation for which a fine of \$100 per day from the date of the withdrawal to the date the money is restored to the account must be adjudged. Fines must be paid out of the county budget and be deposited in the account established in [subsection 2](#).