IC 36-2-7

Chapter 7. Mileage and Fees of County Officers

IC 36-2-7-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-2

Compensation of county officers and employees

Sec. 2. Except as otherwise provided by sections 6, 9, and 13 of this chapter, the compensation fixed for county officers and employees under this title is in full for all governmental services and in lieu of all:

(1) fees;
(2) per diems;
(3) penalties;
(4) costs;
(5) interest;
(6) forfeitures;
(7) percentages;
(8) commissions;
(9) allowances;
(10) mileage; and
(11) other remuneration;

which shall be paid into the county general fund.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-3

County officers; mileage allowance

Sec. 3. County officers, except for officers subject to sections 4 and 5 of this chapter, are entitled to a sum for mileage in the performance of their official duties in an amount determined by the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.10-1997, SEC.26.

IC 36-2-7-4

County sheriff; mileage allowance

Sec. 4. (a) This chapter does not apply to travel required of a county sheriff under the Uniform Criminal Extradition Act (IC 35-33-10).

(b) If the county sheriff uses a personal automobile for travel within Indiana for use in an emergency, the county sheriff is entitled to a sum for mileage at a rate determined by the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1989, SEC.226; P.L.10-1997, SEC.27.

IC 36-2-7-5

Persons entitled to mileage allowance; itemized claims

Sec. 5. (a) The following persons may use their own conveyances when necessary for the performance of their official duties, and are entitled to a sum for mileage at a rate determined by the county fiscal body:

(1) The county surveyor, if authorized by the county executive to use his own conveyance.

(2) The county coroner, if authorized by the county executive to use his own conveyance.

(3) A deputy or other employee of the county surveyor or county coroner, if authorized by the county executive to use his own conveyance.

(4) A deputy or other employee of the county assessor, if engaged in field work and authorized by the assessor to use his own conveyance.

An assessing team is entitled to only one (1) sum for mileage under subdivision (4).

(b) The county executive may not make a mileage allowance under subsection (a)(1), (a)(2), or (a)(3) if the executive furnishes and maintains a vehicle for the officer or deputy in question.

(c) A person seeking compensation under this section must file an itemized claim with the county executive each month under IC 36-2-6.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.10-1997, SEC.28.

IC 36-2-7-6

Mileage allowance in addition to other compensation

Sec. 6. Sums for mileage prescribed by this chapter are in addition to other compensation prescribed by statute, and the persons receiving such sums are not required to pay them into the county general fund.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-7

Changes in sum allowed per mile

Sec. 7. Any changes in the sum per mile that the state establishes by July 1 of any year shall be included in the compensation that the county fiscal body fixes in that same year to take effect January 1 of the next year. However, the fiscal body may, by ordinance, provide for the change in the sum per mile to take effect before January 1 of the next year.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.22.

IC 36-2-7-8

Effect of chapter

Sec. 8. This chapter does not affect statutes permitting counties to furnish motor vehicles for use of a county officer.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-9
Sums county sheriff not required to pay into county general fund

Sec. 9. This chapter does not require the county sheriff to pay the following into the county general fund:

(1) Any damages set forth in a warrant that is issued by the department of state revenue and on which collection is made by the sheriff, including damages prescribed by IC 6-8.1-8.

(2) Sums, other than court fees, retained by the circuit court clerk for the sheriff from the collections obtained by warrants of the department of workforce development.

(3) Sums allowed by IC 36-8 to sheriffs for the feeding of prisoners.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1982, P.L.33, SEC.18; P.L.18-1987, SEC.109; P.L.21-1995, SEC.148; P.L.173-2003, SEC.21.

IC 36-2-7-10
County recorder's fee

Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars ($6) for the first page and two dollars ($2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars ($15) for the first page and five dollars ($5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar ($1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar ($1) for each cross-reference of a recorded document.

(5) One dollar ($1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars ($2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars ($5) for acknowledging or certifying to a document.

(7) Five dollars ($5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner

perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars ($3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars ($3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents ($0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents ($2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(c) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and IC 36-2-7.5-6(b)(1), and fifty cents ($0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. Money from the fund may not be deposited

or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for

the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.269, SEC.2; P.L.342-1983, SEC.1; P.L.290-1985, SEC.8; P.L.98-1986, SEC.10; P.L.167-1987, SEC.11; P.L.5-1988, SEC.211; P.L.231-1989, SEC.11; P.L.18-1990, SEC.290; P.L.45-1990, SEC.6; P.L.190-1991, SEC.6; P.L.2-1992, SEC.887; P.L.58-1993, SEC.19; P.L.31-1994, SEC.10; P.L.314-1995, SEC.1; P.L.273-1995, SEC.2; P.L.211-1996, SEC.4; P.L.151-1999, SEC.2; P.L.241-1999, SEC.2; P.L.2-2002, SEC.107; P.L.2-2003, SEC.101; P.L.73-2004, SEC.47; P.L.171-2006, SEC.9; P.L.169-2006, SEC.50; P.L.2-2007, SEC.384; P.L.211-2007, SEC.47; P.L.215-2007, SEC.4; P.L.3-2008, SEC.256; P.L.45-2010, SEC.2; P.L.13-2013, SEC.151.

IC 36-2-7-10.1

Sale of documents in bulk form to bulk users

Sec. 10.1. (a) As used in this section, "bulk form" means:

(1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;

(2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or

(3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

(1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees

into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

(1) Seven cents ($0.07) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.

(2) Seven cents ($0.07) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent ($0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

(1) in the ordinary course of the business of the bulk user; and

(2) by customers of the bulk user.

(k) The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(l) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with section 10(d) of this chapter.

(m) This section does not apply to enhanced access under IC 5-14-3-3.

As added by P.L.151-1999, SEC.3. Amended by P.L.171-2006, SEC.10; P.L.160-2007, SEC.3; P.L.215-2007, SEC.5.

IC 36-2-7-11
Repealed

(Repealed by P.L.58-1993, SEC.20.)

IC 36-2-7-12
Repealed
(Repealed by P.L.58-1993, SEC.20.)

IC 36-2-7-13
County assessor reassessment activities; per diem
Sec. 13. The county fiscal body may grant to the county assessor, in addition to the compensation fixed under IC 36-2-5, a per diem for each day that the assessor is engaged in reassessment activities under IC 6-1.1-4-4 or under a reassessment plan prepared under IC 6-1.1-4-4.2. This section applies regardless of whether professional assessing services are provided under a contract to one (1) or more townships in the county.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.74-1987, SEC.22; P.L.6-1997, SEC.205; P.L.223-1997, SEC.1; P.L.253-1997(ss), SEC.30; P.L.198-2001, SEC.105; P.L.146-2008, SEC.691; P.L.112-2012, SEC.52.

IC 36-2-7-14
Repealed
(Repealed by P.L.58-1993, SEC.20.)

IC 36-2-7-15
Fee books and cash books
Sec. 15. The clerk of the circuit court, county auditor, county treasurer, county recorder, and county sheriff shall keep, in proper fee books, an accurate account of all fees and charges required by this statute for services performed by them or their employees. Each of these officers shall also keep a cashbook, in which he shall enter:
(1) each sum of money received, in the order received;
(2) the date of receipt;
(3) the name of the person from whom the sum was received; and
(4) the reason the sum was received.
He shall keep his fee books and cashbooks open for inspection and deliver them to his successor in office as a part of the records of his office.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-16
Fee books; inspection; failure to deliver; penalty
Sec. 16. (a) At each of its meetings, the county executive and its attorney shall inspect the records of county officers who collect fees and compare them with the accounts submitted by those officers.
(b) A county officer who fails to deliver a fee book for inspection under this section shall forfeit one hundred dollars ($100), to be collected by the prosecuting attorney of the county and paid into the common school fund of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-17
Failure to pay over fees collected; forfeiture

Sec. 17. An officer who fails to pay the amount due from him into the county treasury shall forfeit to the state a sum equal to the amount of fees actually collected during that quarter, to be collected by the prosecuting attorney of the county and paid into the common school fund of the county.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-18
Prohibited acts; violation; offense; liability

Sec. 18. An officer named in this chapter who knowingly:

(1) taxes any fees or makes any charges for services he does not actually perform;

(2) charges for any services any rate or fee other than that allowed by statute; or

(3) fails to enter, tax, or charge at the proper time the proper fees for services;

commits a Class A misdemeanor and is liable personally upon his bond for any damage or loss sustained by the county.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-19 Version a
County elected officials training fund

Note: This version of section effective until 7-1-2013. See also following version of this section, effective 7-1-2013.

Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall before July 1, 2011, establish a county elected officials training fund. The county fiscal body shall appropriate money from the fund.

(c) The fund consists of money deposited under IC 36-2-7.5-6(b)(3) and any other sources required or permitted by law. Money in the fund does not revert to the county general fund.

(d) Money in the fund shall be used solely to provide training of county elected officials required by IC 36-2-9-2.5, IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, IC 36-2-12-2.5, and other similar laws.
As added by P.L.45-2010, SEC.3. Amended by P.L.120-2012, SEC.6; P.L.13-2013, SEC.152.

IC 36-2-7-19 Version b
County elected officials training fund

Note: This version of section effective 7-1-2013. See also preceding version of this section, effective until 7-1-2013.

Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall before July 1, 2011,

establish a county elected officials training fund to supplement appropriations that may come from the county general fund to provide training of elected officials. The county fiscal body shall appropriate money from the fund.

(c) The fund consists of money deposited under IC 36-2-7.5-6(b)(3) and any other sources required or permitted by law. Money in the fund does not revert to the county general fund.

(d) Money in the fund shall be used solely to provide training of county elected officials required by IC 33-32-2-9, IC 36-2-9-2.5, IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, and IC 36-2-12-2.5.

As added by P.L.45-2010, SEC.3. Amended by P.L.120-2012, SEC.6; P.L.13-2013, SEC.152; P.L.279-2013, SEC.2.