

## ASSEMBLY THIRD READING

AB 2224 (Hadwick)

As Amended May 21, 2026

Majority vote

**SUMMARY**

Increases the fees county recorders (recorders) may charge for recording and indexing documents to maximums of \$15 for the first page and \$4 for each additional page, requires recorders collecting these fees to implement an electronic recording delivery system (ERDS), and makes additional changes to the duties of recorders and the various fees they may charge for recording documents.

**Major Provisions**

- 1) Increases the maximum fees for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded from \$10 to \$15 for recording the first page and from \$3 to \$4 for each additional page, to reimburse the county for the costs of rendering these services.
- 2) Requires a recorder collecting the fees pursuant to 1), above, to implement an ERDS pursuant to the Electronic Recording Delivery Act of 2004 (ERDA) on or before January 1, 2028.
- 3) Specifies that the fees authorized pursuant to 1), above, shall not exceed the reasonable costs of the recorder's office for providing these services.
- 4) Deletes provisions in existing law that require recorders to charge additional fees for the following:
  - a) A \$1 per page fee if printing is spaced incorrectly, as specified.
  - b) A \$3 per page or per sheet fee if a page or sheet does not conform to certain dimensions, as specified.
  - c) A \$1 per reference fee for references to previously recorded documents that require additional indexing, as specified.
  - d) A \$1 fee for recording a document that requires additional indexing and does not refer to a previously recorded document, as specified.
- 5) Deletes a provision requiring \$1 of the recording fee for each additional page to be deposited in the county general fund.
- 6) Requires, unless otherwise specified, all fees collected by the recorder to be restricted, dedicated to, and solely utilized for, the recorder's office, as specified.
- 7) Requires the recorder to provide access to a true copy of the public record for each instrument, paper, or notice, recorded in the office of the recorder, to facilitate public inspection.

- 8) Makes permanent certain provisions of the ERDA by deleting the sunset date of January 1, 2027, that applies to:
  - a) A provision allowing a recorder to enter into contracts with specified entities for digital records and requiring these entities to provide proof of general liability coverage, as specified.
  - b) A provision that allows regulations adopted by the Attorney General (AG) pursuant to the ERDA to include requirements for general liability coverage specified in a), above.
- 9) *Clarifies that the recording fee for every release of lien, encumbrance, or notice executed by the state, or any municipality, county, city, district, or other political subdivision, to be calculated based on when the original lien is recorded rather than when the release is recorded, as specified.*
- 10) Makes technical, clarifying and conforming changes.

## COMMENTS

County recorders serve as the custodian of vital records, recorded land documents and other legal documents that support the integrity of property ownership and legal transactions. Documents that are commonly recorded include payments of taxes or fees, filings of fictitious business names, deeds, mortgage documents, easements, power of attorney documents, liens, and any documents that affect the ownership of any given property. Other documents include deeds of trust, court decrees, and many other documents affecting title to real property; commercial code filings; subdivision maps; vital statistics such as births, deaths, and marriages; and other items.

County recorders are a fee-for-service operation with fees structured to allow for cost recovery. Existing law requires the county recorder to accept for recordation any instrument, paper, or notice that is authorized or required to be recorded, subject to the collection of specified fees. Existing law prohibits the base fee for recording and indexing an instrument, paper, or notice from exceeding \$10 for recording the first page and \$3 for each additional page. Existing law requires \$1 of each \$3 fee for each additional page to be deposited in the county general fund. Existing law allows the county recorder to charge several additional fees sufficient to defray county recorders' costs for specified purposes.

The most recent county recorder's fee increase was enacted via SB 676 (Wolk), Chapter 606, Statutes of 2009. SB 676 increased the maximum charge for the recording of the first page from \$4 to \$10 and maintained the maximum charge of \$3 for each additional page, with the ability to charge additional specified fees.

*Electronic Recording.* AB 578 (Leno), Chapter 621, Statutes of 2004, established the ERDA to create a statewide system for county recorders to record electronic records of real property instruments. AB 578 required the AG to adopt regulations for certification and oversight of any ERDS and associated software and other services. AB 578 followed several years of legislative action regarding electronic recording.

In order to establish an ERDS, a county recorder must be authorized to do so by resolution of the county board and must obtain system certification from the ERDS Program, which is

administered by the AG. A county's ERDS must meet specified security standards and all persons with a secure access role are required to undergo fingerprint criminal history checks.

AB 2143 (Irwin), Chapter 380, Statutes of 2016, allowed additional persons and entities to deliver electronic records to county recorders for recording and expanded the types of electronic records that may be delivered to a county recorder for recording pursuant to the ERDA. AB 2143 also included a sunset date of January 1, 2027, on these provisions to ensure legislative review of the bill's expanded authorizations.

The County Recorders Association of California, sponsor of this bill, reports that most counties have implemented electronic recording, except for the following: Alpine, Amador, Colusa, Del Norte, Imperial, Lake, Lassen, Mariposa, Mendocino, Sierra, Siskiyou, and Trinity.

### **According to the Author**

"California county recorder's offices are funded via fees on recorded documents. However, their costs have risen while fees have not been increased since 2011— resulting in growing budget shortages. Assembly Bill 2224 creates a more straightforward fee system for consumers and helps recorders recuperate their rising costs while requiring them to offer digital recording services."

### **Arguments in Support**

The County Recorders Association of California, sponsor of this measure, writes, "Legislative statutes govern Recorder office structures and fee authority to ensure stable, cost recovery funding. Currently, Government Code 27361 authorizes County Recorders to charge a fee maximum of \$10 for the first page of a document, and \$3 for every additional page – a fee that was codified in 2009 and implemented 15 years ago in January 2010. Recorder offices are fee-for-service departments, the Recorder can only charge for the services provided and are not to collect more than the cost of providing those services to the public. AB 2224 modernizes the allowable base recording fee, which will help advance electronic recording and AB 2224 in turn, also eliminates outdated fees that are no longer necessary due to technological advances. The bill continues to require fees collected to be dedicated to, and solely utilized for, the county recorder's office, and the statutory language specifically articulates that the base fee cannot exceed the cost of providing the recording services."

"Additionally, AB 2224 will require all 58 counties in California to transition to a modern electronic recording model to ensure our offices are incorporating modern technologies that ensures we are operating efficiently. With this transition, County Recorders are prepared to eliminate the outdated paper-based fees found under GC27361; including the \$3 non-conforming and \$1 penalty print fee (\$4 total), which moves us closer to the industry recommended consistent fee structure across all counties. The ability to relinquish these obsolete fees is directly tied to establishing a sustainable, modernized base recording fee that supports the technology necessary to serve the public effectively."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

No state costs. One-time local costs, likely minor, to each county recorder's office to implement the fee changes authorized by this bill. Additional unknown costs to the 12 county recorders that

have yet to implement ERDS. These costs are not reimbursable by the state because a local agency has general authority to charge and adjust fees to offset increased costs associated with the provisions of this bill. However, because county recorder fees are capped in statute, in many counties cost recovery from recorder's fees falls short and the county general fund must subsidize the office to maintain services.

**VOTES**

**ASM LOCAL GOVERNMENT: 9-0-1**

**YES:** Carrillo, Johnson, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

**ABS, ABST OR NV:** Ta

**ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Hoover, Aguiar-Curry, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Arambula

**UPDATED**

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