

# HB348 ENROLLED



1 HB348  
2 W6VS995-2  
3 By Representative Blackshear (N & P)  
4 RFD: Local Legislation  
5 First Read: 27-Feb-25



## HB348 Enrolled

Enrolled, An Act,

Relating to Russell County, to amend Section 45-57-83.40, Code of Alabama 1975, to further provide for assessment of the probate recording fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-57-83.40, Code of Alabama 1975, is amended to read as follows:

"§45-57-83.40

(a) Pursuant to the authority granted by ~~Amendment 380 to Section 57-8.00 of the Constitution of Alabama of 1901~~ 2022, and ~~subsection (d) of Section 12-19-90(d)~~, in Russell County, a recording fee ~~of five dollars (\$5)~~ shall be paid to the county and collected by the judge of probate, with respect to each instrument that may be filed for record in the office of the judge of probate and for each marriage license issued. No instrument shall be received for record in the office of the judge of probate, and no marriage license shall be issued, unless the recording fee ~~of five dollars (\$5)~~ is paid.

(b) The county commission, by resolution, may establish the recording fee in an amount not to exceed 10 dollars (\$10). The recording fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any instrument in the probate office or for issuing any marriage license.

(c) All recording fees so collected pursuant to this section shall be deposited by the judge of probate in an account in a bank or other financial institution doing



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business in Russell County, ~~which.~~ The account shall be maintained and managed by the judge of probate ~~and accumulated~~ for the purpose of modernizing the records and record keeping of the probate office, and the funds in the account may be spent at the discretion of the judge of probate.

(d) The recording fees collected ~~are not to~~ may not be used to offset the cost to the county general fund for the general operation of the probate office unless the judge of probate, at his or her sole discretion, declares the funds, or some portion thereof, to be in excess of the amounts needed for the purpose of modernization.

~~(b) The fees provided by this section shall be levied only upon a recorded roll call vote of the county commission and shall be effective for a period of two years from the date the fees become effective. Thereafter, the fees may be extended for additional two-year periods upon a recorded roll call vote of the county commission.~~

(e) The fees collected under this section shall be controlled by the sole discretion of the judge of probate and shall be audited by the Department of Examiners of Public Accounts."

Section 2. This act shall become effective on October 1, 2025.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and  
was passed by the House 19-Mar-25.

John Treadwell  
Clerk

Senate

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**10-Apr-25**

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Passed