

46:16-15

LEGISLATIVE HISTORY CHECKLIST
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(Uniform Federal Lien Registration Act)

NJSA: 46:16-15 to 46:16-19

LAWS OF: 1997 **CHAPTER:** 412

BILL NO: A601

SPONSOR(S): Lustbader

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Financial Institutions
SENATE: State Management; Budget

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
First reprint enacted superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** November 14, 1996
SENATE: January 12, 1998

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes 3-3-97 & 11-17-97

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 601

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman LUSTBADER

1 AN ACT concerning registration of certain federal liens, amending
2 P.L.1965, c.123 and supplementing chapter 16 of Title 46 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) This act applies to liens arising from the federal
9 "Comprehensive Environmental Response, Compensation and Liability
10 Act of 1980," Pub.L.96-510 (42 U.S.C. §9601 et seq.), and to other
11 federal liens, notice of which under any Act of Congress or any
12 regulation adopted pursuant thereto, are required or permitted to be
13 filed in such filing or recording office as a state may designate;
14 provided, however, that the provisions of this act shall not apply to
15 filing notice of federal tax liens pursuant to the Internal Revenue
16 Code, 26 U.S.C. §1 et seq., and which are subject to R.S.46:16-13.

17
18 2. (New section) Notices of liens upon real property for
19 obligations payable to the United States and certificates and notices
20 affecting the liens shall be filed in the office of the county recording
21 officer of the county or counties wherein the property subject to such
22 liens is situated.

23
24 3. (New section) Certification of notices of liens, certificates, or
25 other notices affecting federal liens by the Secretary of the Treasury
26 of the United States or his delegate, or by any official or entity of the
27 United States responsible for filing or certifying of notice of any other
28 lien, entitles them to be filed and no other attestation, certification, or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSM committee amendments adopted March 3, 1997.

1 acknowledgement is necessary.

2

3 4. (New section) a. If a notice of federal lien, a refile of a notice
4 of federal lien, or a notice of revocation of any certificate is presented
5 to the county recording officer, he shall endorse thereon his
6 identification and the date and time of receipt and forthwith file it
7 alphabetically or enter it in an alphabetical index showing the name and
8 address of the person named in the notice, the date and time of receipt,
9 the title and address of the official or entity certifying the lien, and the
10 total amount appearing on the notice of lien.

11 b. If a refiled notice of federal lien referred to in subsection a. of
12 this section or any certificate of release, nonattachment, discharge or
13 subordination is presented for filing to the county recording officer, he
14 shall permanently attach the refiled notice of the certificate to the
15 original notice of lien and enter the refiled notice or the certificate with
16 the date of filing in any alphabetical lien index on the line where the
17 original notice of lien is entered.

18 c. ¹ [Upon request of any person, the filing officer shall issue his
19 certificate showing whether there is on file, on the date and hour
20 stated therein, any notice of lien or certificate or notice affecting any
21 lien filed under this act, naming a particular person, and if a notice or
22 certificate is on file, giving the date and hour of filing of each notice
23 or certificate. The fee for a certificate is \$8] All notices received by
24 a filing officer pursuant to this section and the index of the notices
25 shall be held for public inspection by the filing officer¹. Upon request,
26 the filing officer shall furnish a copy of any notice of federal lien, or
27 notice or certificate affecting a federal lien, for a fee of \$2 per page.

28

29 5. (New section) The fee for filing and indexing each notice of lien
30 or certificate or notice affecting the lien is:

31 a. For a lien on real estate, \$8;

32 b. For a lien on tangible and intangible personal property, \$8;

33 c. For a certificate of discharge or subordination, \$8;

34 d. For all other notices, including a certificate of release or
35 nonattachment, \$5.00.

36 The officer shall bill the district directors of internal revenue or
37 other appropriate federal officials on a monthly basis for fees for
38 documents filed by them.

39

40 6. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read
41 as follows:

42 2. County clerks and registers of deeds and mortgages, in counties
43 having such offices, shall charge for the services herein enumerated the
44 following fees:

	Fee
1	
2 For recording veteran's discharge papers	No fee
3 For recording any instrument:	
4 First page	\$15.00
5 Each additional page or part thereof	\$ 2.00
6 Each rider, insertion, addition, or any map,	
7 plat or sketch filed or recorded	
8 pursuant to paragraph (c) of section	
9 2 of P.L.1957, chapter 130 (C.48:3-17.3)	\$ 2.00
10 For entering the marginal notation of an	
11 order judgment, statement or warrant	
12 discharging, annulling a notice of	
13 lis pendens and for filing such order,	
14 judgment or statement	\$ 3.00
15 For preparing and transmitting to the assessor,	
16 collector, or other custodian of the	
17 assessment map of any taxing district,	
18 the abstract of an instrument evidencing	
19 title to realty	\$ 3.00
20 For entering the marginal notation of a	
21 discharge or release of a New Jersey	
22 building and loan or savings and loan	
23 mortgage and forwarding abstract	\$ 3.00
24 For entering the marginal notation of a	
25 discharge, assignment, postponement or	
26 release of a mortgage, other than	
27 building and loan and savings and	
28 loan mortgages	\$ 3.00
29 For the cancellation of any mortgage	\$ 8.00
30 For a marginal notation of the discharge of	
31 a mortgage in counties where mortgages	
32 are indexed under a system requiring a	
33 duplication of indices and description	\$ 3.00
34 For filing and recording notice of federal tax	
35 lien <u>or other federal lien</u> or certificate	
36 discharging such lien	\$ 8.00
37 For filing each map, plat, plan or chart (except	
38 when presented by the State or its agencies	
39 or filed pursuant to paragraph (c) of section	
40 2 of P.L.1957, c.130 (C.48:3-17.3))	\$18.00
41 For recording tax sale certificate, except by	
42 municipalities, or a redemption or	
43 assignment of tax sale certificate,	
44 first page	\$15.00
45 Each additional page or part thereof	\$ 2.00
46 Certified copy of veteran's discharge	\$ 1.00

- 1 For indexing any recorded instrument in excess
- 2 of 10 parties, per each name in excess
- 3 of 10 \$ 0.30
- 4 For recording tax sale certificate, lien, deed,
- 5 or related instrument by a municipality \$ 3.00
- 6 (cf: P.L.1985, c.422, s.5.)
- 7
- 8 7. This act shall take effect immediately.
- 9
- 10
- 11 _____
- 12
- 13 Adopts the Uniform Federal Lien Registration Act.

1 For recording tax sale certificate, lien, deed,
2 or related instrument by a municipality \$ 3.00
3 (cf: P.L.1985, c.422, s.5.)

4

5 7. This act shall take effect immediately.

6

7

8 STATEMENT

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10 This bill applies to liens arising from the federal "Comprehensive
11 Environmental Response, Compensation and Liability Act of 1980,"
12 42 U.S.C. §9601 et seq., and to other federal liens, notice of which
13 under any act of Congress or any regulations adopted pursuant
14 thereto, are required or permitted to be filed in such filing or recording
15 office as a state may designate. This act would require these liens to
16 be filed in the county where the property is situated.

17 The bill also amends the statutory law concerning filing fees for
18 federal tax liens to include other federal liens.

19

20

21

22

23 Adopts the Uniform Federal Lien Registration Act.

ASSEMBLY FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 601

STATE OF NEW JERSEY

DATED: MARCH 4, 1996

The Assembly Financial Institutions Committee reports favorably Assembly Bill No. 601.

This bill applies to liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," 42 U.S.C. §9601 et seq., and to other federal liens, notice of which under any act of Congress or any regulations adopted pursuant thereto, are required or permitted to be filed in such filing or recording office as a state may designate. This act would require these liens to be filed in the county where the property is situated.

The bill also amends the statutory law concerning filing fees for federal tax liens to include other federal liens.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE STATE MANAGEMENT, INVESTMENTS AND
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 601

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 3, 1997

The Senate State Management, Investments and Financial Institutions Committee reports favorably and with committee amendments Assembly Bill No. 601.

This bill, as amended, applies to liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," 42 U.S.C. §9601 et seq., and to other federal liens (excluding federal tax liens), notice of which under any act of Congress or any regulations adopted pursuant thereto, are required or permitted to be filed in such filing or recording office as a state may designate. This act would require these liens to be filed in the county where the property is situated. In addition, the bill would require that all notices received by a filing officer of the county in which the property is situated and the index of the notices be held for public inspection by the filing officer.

The bill also amends the statutory law concerning filing fees for federal tax liens to include other federal liens.

COMMITTEE AMENDMENT

An amendment to the bill removes the requirement that a filing officer, upon the request of any person, is to issue the filing officer's certificate showing whether there is on file, on the date and hour stated therein, any notice of lien or certificate or notice affecting any lien filed under the act and instead provides that the filing officer shall make available for inspection all notices received and the index of the notices.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 601

STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1997

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 601 (1R).

Assembly Bill No. 601 (1R) applies to liens arising from the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," 42 U.S.C. §9601 et seq., and to other federal liens, notice of which under any act of Congress or any regulations adopted pursuant thereto, are required or permitted to be filed in such filing or recording office as a state may designate. The bill does not apply to federal tax liens arising under the Internal Revenue Code, 26 U.S.C. sec. 1 et seq.; the filing of those would continue to be subject to the provisions of R.S.46:16-13.

The bill requires a federal lien to be filed with the county recording officer of the county wherein the property subject to such lien is located. The fee for the filing of a notice and indexing of a federal lien on real estate or personal property, and for a certificate of discharge or subordination, will be \$8. The fee for the filing of all other notices, including a certificate of release or nonattachment, will be \$5. The bill amends the current \$8 fee charged for recording a notice of a federal tax lien to include other federal liens.

FISCAL IMPACT

In a fiscal estimate prepared by the Office of Legislative Services (OLS) on the bill in a previous legislative session, the OLS stated that the enactment of this bill would have no discernable fiscal impact on the State, since all lien filings will occur at the county level. The OLS noted that the fiscal impact at the county level should also be minimal. The county recording offices are generally well equipped to perform the function of filing and indexing liens. Assuming an increase in the number of non-tax federal liens filed, any costs associated with the increased filing should be offset by the filing fees permitted to be charged under the bill.