

**SENATE BILL No. 55**

By Committee on Assessment and Taxation

1-22

1 AN ACT concerning the mortgage registration fee; relating to  
2 responsibility for payment of the mortgage registration fee; amending  
3 K.S.A. 79-3102 and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 79-3102 is hereby amended to read as follows: 79-  
7 3102. (a) Before any mortgage of real property, or renewal or extension of  
8 such a mortgage, is received and filed for record, ~~there~~ *the mortgagor*  
9 shall ~~be paid~~ *pay* to the register of deeds of the county in which such  
10 property or any part thereof is situated a registration fee of ~~26%~~ *0.26%*  
11 of the principal debt or obligation which is secured by such mortgage. In the  
12 event the mortgage states that an amount less than the entire principal debt  
13 or obligation will be secured thereby, the registration fee shall be paid on  
14 such lesser amount.

15 (b) As used herein, "principal debt or obligation" shall not include  
16 any finance charges or interest.

17 (c) In any case where interest has been precomputed, the register of  
18 deeds may require the person filing the mortgage to state the amount of the  
19 debt or obligation owed before computation of interest.

20 (d) No registration fee whatsoever shall be paid, collected or required  
21 for or on: (1) Any mortgage or other instrument given solely for the  
22 purpose of correcting or perfecting a previously recorded mortgage or  
23 other instrument; (2) any mortgage or other instrument given for the  
24 purpose of providing additional security for the same indebtedness, where  
25 the registration fee herein provided for has been paid on the original  
26 mortgage or instrument; (3) any mortgage or other instrument upon that  
27 portion of the consideration stated in the mortgage tendered for filing  
28 which is verified by affidavit to be principal indebtedness covered or  
29 included in a previously recorded mortgage or other instrument with the  
30 same lender or their assigns upon which the registration fee herein  
31 provided for has been paid; (4) any lien, indenture, mortgage, bond or  
32 other instrument or encumbrance nor for the note or other promise to pay  
33 thereby secured, all as may be assigned, continued, transferred, reissued or  
34 otherwise changed by reason of, incident to or having to do with the  
35 migration to this state of any corporation, by merger or consolidation with  
36 a domestic corporation as survivor, or by other means, where the original

1 secured transaction, for which the registration fee has once been paid, is  
2 thereby continued or otherwise acknowledged or validated; (5) any  
3 mortgage or other instrument given in the form of an affidavit of equitable  
4 interest solely for the purpose of providing notification by the purchaser of  
5 real property of the purchaser's interest therein; (6) any mortgage in which  
6 a certified development corporation certified by the United States small  
7 business administration participates pursuant to its community economic  
8 development program; (7) any mortgage or other instrument given for the  
9 sole purpose of changing the trustee; or (8) any mortgage for which the  
10 registration fee is otherwise not required by law.

11 (e) The register of deeds shall receive no additional fees or salary by  
12 reason of the receipt of fees as herein provided. After the payment of the  
13 registration fees as ~~as~~ *stated above*, the mortgage and the note  
14 thereby secured shall not otherwise be taxable.

15 Sec. 2. K.S.A. 79-3102 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the statute book.