

BULK COPIES

Recorders Annual Conference 2019

IC 36-2-7-10.1 (a)

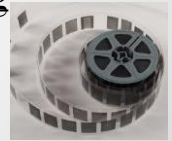
Definitions

- (1) **Bulk Form Copy** – means an aggregation of:
 - Copies of recorded documents
 - Indices for finding, retrieving, and viewing recorded documents
 - Both the above

- (2) **Bulk User** – means an individual, corporation, partnership, LLC or unincorporated association that receives bulk form copies under a contract with the recorder

IC 36-2-7-10.1 (a) Definitions continued...

(3) **Copy** - means a reproduction created by duplicating electronically stored data onto disk, tape, drum, etc or reproducing on microfilm



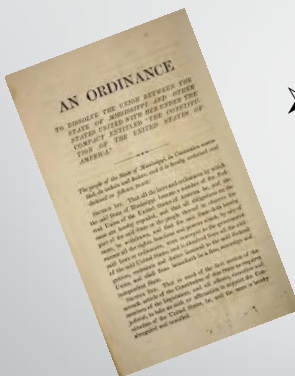
(4) **Indices** – means all indexing information used in finding, retrieving, and viewing a recorded documents

(5) **Recorded Document** – means anything received at any time for recording or filing in the public records maintained by the Recorder or the Recorder's Designee.

MANNER FOR PROVIDING BULK COPIES

IC 36-2-7-10.1 (b)

- The county executive shall establish by ordinance the manner and form in which the county recorder may provide bulk form copies. The ordinance must establish the use of disk, tape, drum or other electronic medium or by electronically transmitting the copies or both



BULK USER REQUEST

IC 36-2-7-10.1 (c)

- Must submit a written request identifying the requested bulk form copies. The recorder shall supply the bulk form copies as prescribed by ordinance in an reasonable time after the later of the following events:
 - (1) the archival process is complete and bulk form copies become available
 - (2) the bulk form user executes a contract that meets the requirements of subsection (g) with the recorder or designee

BULK COPY FEES

IC 36-2-7-10.1 (d)

- Ten cents (\$0.10) per page for a copy of recorded document, including the instrument's book and page, if applicable
- Ten cents (\$0.10) per recorded document for a copy of the indices used by the county recorder for finding, retrieving and viewing a recorded document.

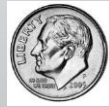


However.....

BULK COPY FEES Continued...

IC 36-2-7-10.1 (e)

- If the county determines that the costs incurred by the recorder of producing bulk form copies, including applying a watermark or other protective feature, exceed the \$0.10 fee under subsection (d), the county may adopt an ordinance that establishes a greater fee in an amount not to exceed the following:
- Twenty cents (\$0.20) per page for a copy of a recorded document, including the instruments book and page, if applicable.
 - Twenty cents (\$0.20) per recorded document for a copy of the indices used by the recorder for finding, retrieving, and viewing a recorded document.



BULK COPY FEES Continued...

IC 36-2-7-10.1 (f)

- All fees charged for bulk form copies are posted into the recorder's record perpetuation fund.

BULK USER CONTRACT

IC 36-2-7-10.1 (g)



- A bulk user must enter into a contract with the recorder and the recorder's designee (if applicable)
- Must be in writing
- Bulk user must agree not to:
 - Provide or transfer any copy to a third party
(Except as provided in Subsection (h))
 - Engage in unauthorized access to recorded documents
 - Engage in unauthorized alteration of recorded documents
- The contract may not include any restrictions on a bulk form user's use of the bulk form copies other than those in this section

THE EXCEPTION

IC 36-2-7-10.1 (h)

- A bulk user licensed under IC 27-1-15.6-6 (d) or holds a certificate of authority under IC 27-7-3-6 may provide bulk form copies related to a specific order for a title search when:
 - Operating as a title plant for the issuance of title insurance

OR

 - Operating as a title company



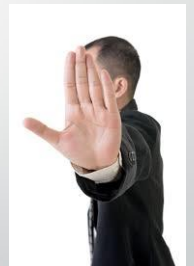
IC 36-2-7-10.1 (i)

- A bulk user that does not meet the requirements of subsection (h) is prohibited from selling, offering for sale, advertising for sale, soliciting a purchase of, loaning, giving away, allowing subscription service to, or otherwise transferring, providing, or allowing the transfer of bulk form copies for commercial purposes to a third party, whether the copies are in bulk form or individual copies or images.

WHAT IF THE BULK USER DOES NOT COMPLY WITH A CONTRACT?

IC 36-2-7-10.1 (j)

- Recorder may terminate the contract, immediately stop providing bulk form copies.
- Refuse to provide the bulk form copies requested by the bulk user if all termination provisions and procedures in the contract have been met.



IC 36-2-7-10.1 (j)
Continued...

- The recorder may refuse subsequent requests from a bulk user for bulk form copies in the following circumstances:
 - The bulk form user is a person that has had a previous bulk form copy contract terminated by the recorder for failing to comply with the contract.
 - The bulk user is a corporation or LLC in which a person has a majority or controlling interest and:
 - A. The person requested bulk form copies under a previous contract with the recorder.
 - B. The contract was terminated by the recorder because the person failed to comply with the contract

QUESTIONS?