

SENATE BILL REPORT

SB 6090

As Passed Senate, January 29, 1996

Title: An act relating to the recording of instruments via electronic transmission.

Brief Description: Recording instruments via electronic transmission.

Sponsors: Senators Hale, Haugen, Winsley and Swecker.

Brief History:

Committee Activity: Government Operations: 1/16/96 [DP].
Passed Senate, 1/29/96, 41-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: One of the historic functions of county government, which is performed by the county auditor, is the recording and maintenance of documents affecting legal rights in real property in the county. The fact that a document is recorded and the exact time at which it is recorded are critical factors in establishing rights as against persons who either have not recorded the documents evidencing their transactions or have recorded those documents at a later time.

Current law defines "file" or "filing" as the act of delivering an instrument to the auditor for recording into the official public record. The auditor is required to record certain filed instruments affecting real property in bound books, or by photographic, photomechanical, or other approved process.

All persons charged with recording instruments in the public record, whether state or local, may transcribe such records, or record by any photographic, photostatic, microfilm, microcard, miniature photographic or other process that forms an accurate and durable medium for reproducing the original instrument.

Current law does not expressly authorize the recording of instruments by electronic transmission or the maintenance of public records in an electronic format.

Summary of Bill: The filing of an instrument with the county auditor includes electronic transmission of an instrument to the auditor or recording officer for recording into the official public records. Certain documents affecting real estate may be placed on the public record in an electronic format. Any state or local officer charged with the duty of recording instruments in the public records may record by using an electronic data transfer that forms

an accurate and durable medium for reproducing the original instrument. When an instrument is transmitted electronically to a county auditor's office for recording, the auditor must note upon the instrument that it is received by electronic transmission. References are corrected and gender neutral terminology is adopted.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Auditors will be permitted to use current technology and new efficiencies and greater speed will be allowed.

Testimony Against: None.

Testified: Sam Reed, Thurston County Auditor (pro); Carolyn Ableman, King County Office of Records (pro).

House Amendment(s): Recorded documents must be returned either to the party leaving it for record or to the address on the face of the document as requested by the party leaving it for record and not at the discretion of the recording officer.