

CERTIFICATION OF ENROLLMENT

SENATE BILL 6090

Chapter 229, Laws of 1996

54th Legislature
1996 Regular Session

RECORDING OF INSTRUMENTS BY ELECTRONIC TRANSMISSION

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 2, 1996
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 29, 1996
YEAS 86 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 28, 1996

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6090** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 28, 1996 - 5:04 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6090

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Hale, Haugen, Winsley and Swecker

Read first time 01/08/96. Referred to Committee on Government Operations.

1 AN ACT Relating to the recording of instruments via electronic
2 transmission; and amending RCW 65.04.015, 65.04.030, 65.04.040,
3 65.04.080, 65.04.090, and 65.04.110.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 65.04.015 and 1991 c 26 s 3 are each amended to read
6 as follows:

7 The definitions set forth (~~{in}~~) in this section apply throughout
8 this chapter unless the context clearly requires otherwise.

9 (1) "Recording officer" means the county auditor, or in charter
10 counties the county official charged with the responsibility for
11 recording instruments in the county records.

12 (2) "File," "filed," or "filing" means the act of delivering or
13 transmitting electronically an instrument to the auditor or recording
14 officer for recording into the official public records.

15 (3) "Record," "recorded," or "recording" means the process, such as
16 electronic, mechanical, optical, magnetic, or microfilm storage used by
17 the auditor or recording officer after filing to incorporate the
18 instrument into the public records.

1 (4) "Record location number" means a unique number that identifies
2 the storage location (book or volume and page, reel and frame,
3 instrument number, auditor or recording officer file number, receiving
4 number, electronic retrieval code, or other specific place) of each
5 instrument in the public records accessible in the same recording
6 office where the instrument containing the reference to the location is
7 found.

8 **Sec. 2.** RCW 65.04.030 and 1991 c 26 s 4 are each amended to read
9 as follows:

10 The auditor or recording officer must, upon the payment of the fees
11 as required in RCW 36.18.010 for the same, acknowledge receipt therefor
12 in writing or printed form and record in large and well bound books, or
13 by photographic ~~((or))~~, photomechanical, electronic format, or other
14 approved process, the following:

15 (1) Deeds, grants and transfers of real property, mortgages and
16 releases of mortgages of real estate, instruments or agreements
17 relating to community or separate property, powers of attorney to
18 convey real estate, and leases which have been acknowledged or proved:
19 PROVIDED, That deeds, contracts and mortgages of real estate described
20 by lot and block and addition or plat, shall not be filed or recorded
21 until the plat of such addition has been filed and made a matter of
22 record;

23 (2) Patents to lands and receivers' receipts, whether for mineral,
24 timber, homestead or preemption claims or cash entries;

25 (3) All such other papers or writing as are required by law to be
26 recorded and such as are required by law to be filed.

27 **Sec. 3.** RCW 65.04.040 and 1991 c 26 s 5 are each amended to read
28 as follows:

29 Any state, county, or municipal officer charged with the duty of
30 recording instruments in public records shall record them by record
31 location number in the order filed, irrespective of the type of
32 instrument, using a process that has been tested and approved for the
33 intended purpose by the state archivist.

34 In addition, the county auditor or recording officer, in the
35 exercise of the duty of recording instruments in public records, may,
36 in lieu of transcription, record all instruments, that he or she is
37 charged by law to record, by any electronic data transfer,

1 photographic, photostatic, microfilm, microcard, miniature photographic
2 or other process that actually reproduces or forms a durable medium for
3 so reproducing the original, and which has been tested and approved for
4 the intended purpose by the state archivist. If the county auditor or
5 recording officer records any instrument by a process approved by the
6 state archivist it shall not be necessary thereafter to make any
7 notations or marginal notes, which are otherwise required by law,
8 thereon if, in lieu of making said notations thereon, the auditor or
9 recording officer immediately makes a note of such in the general index
10 in the column headed "remarks," listing the record number location of
11 the instrument to which the current entry relates back.

12 Previously recorded or filed instruments may be processed and
13 preserved by any means authorized under this section for the original
14 recording of instruments. The county auditor or recording officer may
15 provide for the use of the public, media containing reproductions of
16 instruments and other materials that have been recorded pursuant to the
17 provisions of this section. The contents of the media may be arranged
18 according to date of filing, irrespective of type of instrument, or in
19 such other manner as the county auditor or recording officer deems
20 proper.

21 **Sec. 4.** RCW 65.04.080 and 1985 c 44 s 18 are each amended to read
22 as follows:

23 When any instrument, paper, or notice, authorized or required by
24 law to be filed or recorded, is deposited in or electronically
25 transmitted to the county auditor's office for filing or record, that
26 officer must indorse upon the same the time when it was received,
27 noting the year, month, day, hour and minute of its reception, and note
28 that the document was received by electronic transmission, and must
29 file, or file and record the same without delay, together with the
30 acknowledgments, proofs, and certificates written or printed upon or
31 annexed to the same, with the plats, surveys, schedules and other
32 papers thereto annexed, in the order and as of the time when the same
33 was received for filing or record, and must note on the instrument
34 filed, or at the foot of the record the exact time of its reception,
35 and the name of the person at whose request it was filed or filed and
36 recorded: PROVIDED, That the county auditor shall not be required to
37 accept for filing, or filing and recording, any instrument unless there

1 appear upon the face thereof, the name and nature of the instrument
2 offered for filing, or filing and recording, as the case may be.

3 **Sec. 5.** RCW 65.04.090 and Code 1881 s 2732 are each amended to
4 read as follows:

5 ((He)) The recording officer must also endorse upon such an
6 instrument, paper, or notice, the time when and the book and page in
7 which it is recorded, and must thereafter electronically transmit or
8 deliver it, upon request, to the party leaving the same for record((7))
9 or to ((his order)) the address on the face of the document.

10 **Sec. 6.** RCW 65.04.110 and 1965 c 134 s 1 are each amended to read
11 as follows:

12 If any county auditor to whom an instrument, proved or acknowledged
13 according to law, or any paper or notice which may by law be recorded
14 is delivered or electronically transmitted for record: (1) Neglects or
15 refuses to record such instrument, paper or notice, within a reasonable
16 time after receiving the same; or (2) records any instruments, papers
17 or notices untruly, or in any other manner than as ((hereinbefore))
18 directed in this chapter; or, (3) neglects or refuses to keep in his or
19 her office such indexes as are required by this act, or to make the
20 proper entries therein; or, (4) neglects or refuses to make the
21 searches and to give the certificate required by this act; or if such
22 searches or certificate are incomplete and defective in any important
23 particular affecting the property in respect to which the search is
24 requested; or, (5) alters, changes, or obliterates any records
25 deposited in his or her office, or inserts any new matter therein; he
26 or she is liable to the party aggrieved for the amount of damage which
27 may be occasioned thereby((:—PROVIDED, That)). However, if the name
28 or names and address hand printed, printed, or typewritten on any
29 instrument, proved or acknowledged according to law, or on any paper or
30 notice which may by law be filed or recorded, is or are incorrect, or
31 misspelled or not the true name or names of the party or parties
32 appearing thereon, the county auditor shall not, by reason of such
33 fact, be liable for any loss or damage resulting therefrom.

Passed the Senate March 2, 1996.

Passed the House February 29, 1996.

Approved by the Governor March 28, 1996.

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