

# FINAL BILL REPORT

## SB 6090

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C 229 L 96  
Synopsis as Enacted

**Brief Description:** Recording instruments via electronic transmission.

**Sponsors:** Senators Hale, Haugen, Winsley and Swecker.

**Senate Committee on Government Operations**

**House Committee on Government Operations**

**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 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:** An instrument may be filed with the county auditor or county recording officer by electronic transmission. Certain documents affecting title to real estate may be placed in the public record in an electronic format. Any state or local officer charged with the duty of recording instruments in the public record may use an electronic data transfer that forms an accurate and durable medium for reproducing a copy of 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. 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. References are corrected and gender neutral terminology is adopted.

**Votes on Final Passage:**

Senate	41	0	
House	86	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 6, 1996