

# SENATE BILL REPORT

## HB 1471

---

As Reported By Senate Committee On:  
Judiciary, February 2, 2006

**Title:** An act relating to authentication of documents.

**Brief Description:** Changing provisions relating to authentication of documents.

**Sponsors:** Representatives Lovick, McDonald and Takko.

**Brief History:** Passed House: 2/28/05, 89-0.

**Committee Activity:** Judiciary: 3/23/05, 3/30/05 [DP]; 2/01/06, 2/2/06 [DP].

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, Rasmussen and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** In court proceedings, parties who wish to introduce a document into evidence must show that the document is authentic. Under state law, copies of court records, public records of state agencies, recorded instruments (deeds, mortgages, etc.) filed in offices with official seals, and county records may all be admitted into evidence if accompanied by an official seal and certification from a clerk or other custodian of the records. Copies of certified written instruments may also be sent by telegraph and have the same effect as if the original was sent.

The Legislature last updated the seal requirement in 1881. When a seal is required to authenticate public records, it must be impressed directly on the paper, although a wafer or wax seal is not required. When the document is telegraphed, the seal requirement is satisfied if the telegraph contains the letters "L.S." or the word "seal." The party challenging the authenticity of the telegraphed document bears the burden of proof.

**Summary of Bill:** Seals required to authenticate documents need only be printed onto the document in some fashion, including a printout from an electronic document bearing the seal, to be considered valid. Additionally, certified copies of official documents may be sent by fax or other electronic transmission and still be treated as genuine.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** This bill just codifies existing procedures used by most courts pursuant to court rules. The statute has not been updated since 1881. This will enable parties to utilize modern electronic means of transmitting documents.

**Testimony Against:** None.

**Who Testified:** (2005) PRO: Pam Daniels, Snohomish County Clerk; Siri Woods, Chelan County Clerk. (2006) Representative Lovick, prime sponsor; Barbara Miner, Washington Association of County Clerks; Pam Daniels, Washington Association of County Clerks.