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HOUSE BILL 2316

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State of Washington

65th Legislature

2018 Regular Session

By Representatives McDonald, Dolan, Stokesbary, Gregerson, and Haler

Prefiled 12/22/17. Read first time 01/08/18. Referred to Committee on State Govt, Elections & IT.

1 AN ACT Relating to the recording standards commission; amending  
2 RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24  
3 RCW; creating a new section; and repealing RCW 65.24.900.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the necessity  
6 to clarify existing law regarding the recording of documents with  
7 county recording departments and county auditors. Recording standards  
8 and practices vary from county to county, which creates confusion and  
9 liability. County recorders, real estate firms, title and escrow  
10 companies, and consumer groups need simplified and standardized  
11 recording standards and fees. It is the intent of the legislature  
12 that the secretary of state have the authority to create regulations  
13 for consistent recording of documents by county auditors.

14 **Sec. 2.** RCW 65.24.010 and 2008 c 57 s 2 are each amended to read  
15 as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Document" means information that is:

1 (a) Inscribed on a tangible medium or that is stored in an  
2 electronic or other medium, and is retrievable in perceivable form;  
3 and

4 (b) Eligible to be recorded in the land records maintained by the  
5 recording officer.

6 (2) "Electronic" means relating to technology having electrical,  
7 digital, magnetic, wireless, optical, electromagnetic, or similar  
8 capabilities.

9 (3) "Electronic document" means a document that is received by  
10 the recording officer in an electronic form.

11 (4) "Electronic signature" means an electronic sound, symbol, or  
12 process attached to or logically associated with a document and  
13 executed or adopted by a person with the intent to sign the document.

14 (5) "Person" means an individual, corporation, business trust,  
15 estate, trust, partnership, limited liability company, association,  
16 joint venture, public corporation, government, or governmental  
17 subdivision, agency, or instrumentality, or any other legal or  
18 commercial entity.

19 (6) "State" means a state of the United States, the District of  
20 Columbia, Puerto Rico, the United States Virgin Islands, or any  
21 territory or insular possession subject to the jurisdiction of the  
22 United States.

23 (7) "~~((E-recording))~~ Recording standards commission" means the  
24 body of stakeholders appointed by the secretary of state to review  
25 recording standards, including but not limited to electronic  
26 recording standards, and make recommendations to the secretary under  
27 RCW 65.24.040.

28 **Sec. 3.** RCW 65.24.040 and 2008 c 57 s 5 are each amended to read  
29 as follows:

30 (1) The office of the secretary of state shall create and appoint  
31 ~~((an e-recording))~~ a recording standards commission. The ~~((e-~~  
32 ~~recording))~~ recording standards commission shall review recording  
33 standards, including electronic recording standards, and make  
34 recommendations to the secretary of state for rules necessary to  
35 implement this chapter. A majority of the commission must be county  
36 recorders or county auditors. The commission may include assessors,  
37 treasurers, land title company representatives, escrow agents, and  
38 mortgage brokers, the state archivist, county surveyors, and any

1 other party the secretary of state deems appropriate. The term of the  
2 commissioners will be set by the secretary of state.

3 (2) To keep the standards and practices of recording officers in  
4 this state in harmony, and to promote harmony with the standards and  
5 practices of recording offices in other jurisdictions that enact  
6 ((this chapter)) similar legislation or policy and to keep the  
7 technology used by recording officers in this state compatible with  
8 technology used by recording offices in other jurisdictions that  
9 enact ((this chapter)) similar legislation or policy, the office of  
10 the secretary of state, under RCW 40.14.020, so far as is consistent  
11 with the purposes, policies, and provisions of this chapter, in  
12 adopting, amending, and repealing rules supporting recording  
13 standards shall consider:

14 ((1)) (a) The standards and practices of other jurisdictions;

15 ((2)) (b) The most recent standards adopted by national  
16 standard-setting bodies, such as the property records industry  
17 association;

18 ((3)) (c) The views of interested persons and governmental  
19 officials and entities;

20 ((4)) (d) The needs of counties of varying size, population,  
21 and resources; ((and

22 +5)) (e) Standards requiring adequate information security  
23 protection to ensure that ((electronic)) documents are accurate,  
24 authentic, adequately preserved, and resistant to tampering;

25 (f) Standards requiring adequate information security protection  
26 to ensure that electronic documents are accurate, authentic,  
27 adequately preserved, and resistant to tampering;

28 (g) Standards for the certification of recorded documents  
29 including imaged paper documents and documents that are received by  
30 the recording officer in an electronic form; and

31 (h) Standards on the documentation and recording of boundary line  
32 adjustments for real property.

33 NEW SECTION. Sec. 4. A new section is added to chapter 65.24  
34 RCW to read as follows:

35 (1) The secretary of state, as chief archivist, shall make  
36 reasonable rules in accordance with federal and state laws, to  
37 provide for the uniform recording of documents in cooperation with  
38 the commission established in this chapter.

1 (2) In addition to the rule-making authority granted otherwise by  
2 this section, the secretary of state may make rules governing the  
3 following:

4 (a) Recording duties of county recorders and county auditors;

5 (b) Recording standards for the creation of certified copies for  
6 use as evidence;

7 (c) Recording standards for documents related to eminent domain;

8 (d) Recording standards for documents related to community  
9 property;

10 (e) Recording standards for documents related to unfit dwellings,  
11 buildings, and structures;

12 (f) Recording standards for court summons served and court  
13 judgments;

14 (g) Recording standards for documents related to military  
15 discharge;

16 (h) Recording standards for documents related to boundaries and  
17 plats not otherwise under the rule-making authority of another state  
18 agency;

19 (i) Recording standards for documents related to liens;

20 (j) Recording standards for documents related to mortgages, deeds  
21 of trust, and real estate contracts;

22 (k) Recording standards for documents related to the uniform  
23 commercial code;

24 (l) Recording standards for documents related to real property  
25 and conveyances;

26 (m) Standards to be used in recording, registration, and legal  
27 publication under this chapter;

28 (n) Recording standards for documents related to cemetery  
29 property;

30 (o) Standards for fee waivers including but not limited to  
31 documents for veterans, and support of dependent children;

32 (p) Recording standards for documents related to mines, minerals,  
33 and petroleum;

34 (q) Recording standards for documents related to public lands,  
35 including tidelands, and shorelines;

36 (r) Recording standards for documents related to excise tax on  
37 real estate;

38 (s) Recording standards for documents related to property tax;

39 (t) Recording standards for documents prepared in foreign  
40 countries; and

1 (u) Recording standards for documents not identified in (a)  
2 through (t) of this subsection.

3 NEW SECTION. **Sec. 5.** RCW 65.24.900 (Short title) and 2008 c 57  
4 s 1 are each repealed.

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