

FINAL BILL REPORT

EHB 2459

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Synopsis as Enacted

Brief Description: Creating the uniform real property electronic recording act.

Sponsors: By Representatives Kelley, Ross, Simpson, Hudgins, Upthegrove and Warnick; by request of Secretary of State.

House Committee on Local Government

Senate Committee on Government Operations & Elections

Background:

Uniform Real Property Electronic Recording Act.

The Uniform Real Property Electronic Recording Act (URPERA) is the product of the National Conference of Commissioners on Uniform State Laws, an organization that authors and promotes uniform, comprehensive statutory frameworks intended for nationwide adoption pertaining to many areas of law where national uniformity is deemed beneficial.

The URPERA is designed to establish the legal authority of the recorder to receive and record documents and information in electronic form. Its fundamental principle is that any requirements of state law describing or requiring that a document be an original, on paper, or in writing are satisfied by a document in electronic form. Furthermore, any requirement that the document contain a signature or acknowledgment is satisfied by an electronic signature or acknowledgment. The URPERA specifically authorizes a recorder, at the recorder's option, to accept electronic documents for recording and to index and store those documents.

Washington Electronic Authentication Act.

The Washington Electronic Authentication Act (Act) creates standards and procedures for the use of digital electronic signature technology in commercial transactions. The Act authorizes the Secretary of State to establish rules and procedures governing the use of electronic signatures in order to ensure the authenticity and reliability of electronic messages.

Duties and Authority of County Auditors.

The county auditor is responsible for the recording of specified documents required by law to be part of the public record kept by a county. The documents that must be recorded by a county auditor include judgments, liens, deeds, mortgages, and many other categories of documents pertaining to property ownership and real estate transactions. State law specifies requirements that must be met by an auditor when exercising his or her recording duties and specifically authorizes an auditor to record documents in electronic format.

Summary:

The adoption of the URPERA creates a new chapter in the Revised Code of Washington creating the definitions, standards, procedures, and authority needed by county auditors for the implementation of a system for the recording, storage, and transmission of documents existing in electronic form.

County auditors are provided with the explicit authority needed for the official recording and transmission of an electronic document and the acceptance of a legally required signature, notarization, verification, or acknowledgment when received electronically in accordance with specified requirements.

The Secretary of State is required to create and appoint an E-Recording Standards Commission (Commission) to review electronic recording standards and make recommendations regarding the implementation of electronic recording standards. A majority of the Commission must be county auditors or recorders, but it may also include treasurers, assessors, land title company representatives, escrow agents, mortgage bankers, and others whom the Secretary of State deems appropriate.

Votes on Final Passage:

House	92	0
Senate	48	0

Effective: June 12, 2008