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**HOUSE BILL 1104**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Ryu and Kloba; by request of Department of Financial Institutions

Prefiled 01/07/21. Read first time 01/11/21. Referred to Committee on Appropriations.

1 AN ACT Relating to extending the operation of the mortgage  
2 lending fraud prosecution account until June 30, 2027; amending RCW  
3 36.22.181 and 43.320.140; providing expiration dates; and declaring  
4 an emergency.

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

6 **Sec. 1.** RCW 36.22.181 and 2016 c 7 s 2 are each amended to read  
7 as follows:

8 (1) Except as provided in subsection (2) of this section, a  
9 surcharge of one dollar shall be charged by the county auditor at the  
10 time of recording of each deed of trust, which will be in addition to  
11 any other charge authorized by law. The auditor may retain up to five  
12 percent of the funds collected to administer collection. The  
13 remaining funds shall be transmitted monthly to the state treasurer  
14 who will deposit the funds into the mortgage lending fraud  
15 prosecution account created in RCW 43.320.140. The department of  
16 financial institutions is responsible for the distribution of the  
17 funds in the account and shall, in consultation with the attorney  
18 general and local prosecutors, develop rules for the use of these  
19 funds to pursue criminal prosecution of fraudulent activities within  
20 the mortgage lending process.

1 (2) The surcharge imposed in this section does not apply to  
2 assignments or substitutions of previously recorded deeds of trust.

3 (3) This section expires June 30, (~~2021~~) 2027.

4 **Sec. 2.** RCW 43.320.140 and 2016 c 7 s 1 are each amended to read  
5 as follows:

6 (1) The mortgage lending fraud prosecution account is created in  
7 the custody of the state treasurer. All receipts from the surcharge  
8 imposed in RCW 36.22.181, except those retained by the county auditor  
9 for administration, must be deposited into the account. Except as  
10 otherwise provided in this section, expenditures from the account may  
11 be used only for criminal prosecution of fraudulent activities  
12 related to mortgage lending fraud crimes. Only the director of the  
13 department of financial institutions or the director's designee may  
14 authorize expenditures from the account. The account is subject to  
15 allotment procedures under chapter 43.88 RCW, but an appropriation is  
16 not required for expenditures.

17 (2) This section expires June 30, (~~2021~~) 2027.

18 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of  
20 the state government and its existing public institutions, and takes  
21 effect immediately.

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