

HOUSE BILL REPORT

SB 6090

As Passed House - Amended:

February 29, 1996

Title: An act relating to the recording of instruments via electronic transmission.

Brief Description: Recording instruments via electronic transmission.

Sponsors: Senators Hale, Haugen, Winsley and Swecker.

Brief History:

Committee Activity:

Government Operations: 2/14/96, 2/23/96 [DP].

Floor Activity:

Passed House - Amended: 2/29/96, 86-0.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

Staff: Scott White (786-7153).

Background: Procedures and administration requirements are established for the official filing of documents with a county auditor or recording officer.

The county auditor is required to record certain filed instruments affecting real property in bound books, or by photographic, photomechanical, or other approved process.

Current law does not expressly authorize the recording of instruments by electronic transmission or the maintenance of public records in an electronic format.

Summary of Bill: Existing laws relating to the official filing of documents are amended to include documents that are electronically transmitted.

The definitions "file," "filed," or "filing" are amended to mean the act of delivering or transmitting electronically a document to the auditor or recording officer for recording into the official public records.

When a document is electronically transmitted to the county auditor's office for filing, it is to be noted that the document was received by electronic transmission, in addition to the normal processing requirements.

The bill further clarifies that a county auditor is liable to the party aggrieved if the auditor fails to properly record or process a filing instrument that is delivered or electronically transmitted.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is necessary to bring procedures into the electronic age.

Testimony Against: This will increase closing costs for real estate purchases.

Testified: Leon Long, Adams County Auditor; Diana Bradrick, Recording Manager, Snohomish County Auditor; and Jane Mulkahy, Washington Land Title Association (with concerns).