

HOUSE BILL REPORT

HB 1385

As Passed Legislature

Title: An act relating to recorded instruments.

Brief Description: Restricting the information on recorded documents.

Sponsors: By Representatives Takko, Haigh, Roberts, Hankins, Ericks, Haler, Lovick, McCoy and Chase.

Brief History:

Committee Activity:

Local Government: 2/16/05, 3/1/05 [DP].

Floor Activity:

Passed House: 3/10/05, 94-0.

Passed Senate: 4/11/05, 49-0.

Passed Legislature.

Brief Summary of Bill

- Prohibits instruments presented for recording to an auditor or recording officer from containing a social security number, or a date of birth or maiden name satisfying specified criteria.
- Exempts instruments generated by governmental agencies from the prohibition.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

Staff: Ethan Moreno (786-7386).

Background:

Statute specifies numerous duties and responsibilities for the county auditor (auditor), including directives pertaining to financial and election administration. Among other prescribed duties, the auditor is the recorder of deeds and other instruments in writing which, by law, must be filed and recorded in and for the county for which he or she is elected.

Counties operating under a charter form of government may provide for an official other than the auditor to record instruments in the county records. This official may be a "recording officer."

Current law specifies criteria that instruments presented to the county auditor or recording officer for recording must satisfy. These criteria include requirements pertaining to document margins, applicable names, addresses, and reference information. Current law specifies also requirements that county auditors and recording officers must satisfy when instruments for filing or recording are received.

Summary of Bill:

When any instrument, except those generated by governmental agencies, is presented to a county auditor or recording officer for recording, the document may not contain the following information: a social security number; a date of birth identified with a particular person; or the maiden name of a person's parent so as to be identified with a particular person.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) This bill will help to protect people from identity theft: a very personal crime. This bill will respond to the issue of identity theft without placing undue burdens on businesses, the most frequent recorders of documents.

(With concerns) General liens and judgment liens contain personal information. The lack of personal information on a document may create confusion, as such information helps to identify the proper person. Documents with legal descriptions and telephone numbers should be exempted from the provisions of the bill. Most identity theft crimes are perpetrated by friends or family of the victim; this bill does not address that. The credit reporting industry needs to obtain personal information pertaining to liens.

Testimony Against: None.

Persons Testifying: (In support) Representative Takko, prime sponsor; Kim Wyman, Thurston County Auditor, and Michael Weight, City of Bothell.

(With concerns) Stu Halsan, Washington Land Title Association; and Cliff Webster, Consumer Data Industry Association.

Persons Signed In To Testify But Not Testifying: None.