

# SENATE BILL REPORT

## SB 5459

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As Reported By Senate Committee On:  
Government Operations & Elections, February 17, 2005

**Title:** An act relating to recorded instruments.

**Brief Description:** Restricting the information on recorded documents.

**Sponsors:** Senators Shin, Schmidt, Berkey and Esser.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/10/05, 2/17/05 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Fairley, Haugen, Kline, McCaslin, Mulliken and Pridemore.

**Staff:** Mac Nicholson (786-7445)

**Background:** Various documents are authorized or required by law to be filed and recorded with county auditors or recording officers. Common examples of recorded instruments are deeds, grants and transfers of real property, mortgages and mortgage releases, and marriage certificates. Instruments to be recorded must meet formatting requirements and contain certain information.

**Summary of Substitute Bill:** Instruments not generated by governmental agencies that are presented to a county auditor or recording officer for recording may not contain a social security number, date of birth identified with a particular person, or the maiden name of a person's parent that can be identified with a particular person.

A county auditor or recording officer has no duty or responsibility to verify that an instrument presented for recording does not contain a social security number, birth date, or maiden name. The county auditor or recording officer is not liable if a document with such information is recorded.

**Substitute Bill Compared to Original Bill:** The substitute bill adds that a county auditor has no duty or responsibility to verify that an instrument presented for recording does not contain a social security number, birth date, or maiden name. The substitute bill also adds that the county auditor is not liable if a document with such information is recorded.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** New technology makes it easier for identity theft to occur, as people can obtain personal information such as social security numbers, birth dates, and maiden names from documents that are recorded by the county. This information is not necessary for recording purposes and doesn't need to be given to the county, so the bill affirms that such personal information cannot be included on documents to be recorded. The bill does not require any redacting by the county, and some language should be added that ensures county auditors are not liable should any personal information be contained in a recorded document.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Shin, prime sponsor; Bob Terwilliger, Snohomish County Auditor; Rowland Thompson, Allied Daily Newspapers.