

SENATE BILL REPORT

EHB 2459

As Reported By Senate Committee On:
Government Operations & Elections, February 22, 2008

Title: An act relating to real property electronic recording.

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

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

Brief History: Passed House: 1/28/08, 92-0.

Committee Activity: Government Operations & Elections: 2/21/08, 2/22/08 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott and Pridemore.

Staff: Khalia Gibson (786-7460)

Background: The Uniform Real Property Electronic Recording Act (URPERA) is the product of the National Conference of Commissioners on Uniform State Laws (NCCUSL). The URPERA was drafted to remove any doubt about the authority of the recorder to receive and record documents and information in electronic form.

The fundamental principle of the URPERA 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. Any requirement that the document contain a signature or acknowledgment is satisfied by an electronic signature or acknowledgment. The act specifically authorizes a recorder, at the recorder's option, to accept electronic documents for recording and to index and store those documents.

Summary of Bill: A new chapter is added adopting the provisions of the URPERA. The new chapter creates definitions, standards, procedures, and authority necessary for the official recording and transmission of documents existing in electronic form.

County auditors are provided the authority necessary 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Secretary of State is required to create an E-Recording Standards Commission to review electronic recording standards and to make recommendations regarding the implementation of standardized rules for such recording. Existing information may be converted into electronic form.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Engrossed Bill: PRO: The bill is permissible, it is not mandatory for county auditors to implement electronic recording. The URPERA provides uniform standards for recording. Approximately 3,600 entities are looking to convert to electronic recording, this bill ensures that all of the methods are compatible and harmonious to facilitate use. Electronic recording will make property sale and financing faster, and less expensive. Fifteen states have passed similar legislation, and eight states are working on implementing electronic recording procedures.

Persons Testifying: PRO: Representative Troy Kelley, prime sponsor; Megan Moreno, Secretary of State's Office.