

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2459

60th Legislature
2008 Regular Session

Passed by the House January 28, 2008
Yeas 92 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2459** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2459

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Representatives Kelley, Ross, Simpson, Hudgins, Upthegrove, and Warnick; by request of Secretary of State

Prefiled 12/12/07. Read first time 01/14/08. Referred to Committee on Local Government.

1 AN ACT Relating to real property electronic recording; and adding
2 a new chapter to Title 65 RCW.

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

4 NEW SECTION. **Sec. 1.** This chapter may be known and cited as the
5 uniform real property electronic recording act.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Document" means information that is:

9 (a) Inscribed on a tangible medium or that is stored in an
10 electronic or other medium, and is retrievable in perceivable form; and

11 (b) Eligible to be recorded in the land records maintained by the
12 recording officer.

13 (2) "Electronic" means relating to technology having electrical,
14 digital, magnetic, wireless, optical, electromagnetic, or similar
15 capabilities.

16 (3) "Electronic document" means a document that is received by the
17 recording officer in an electronic form.

1 (4) "Electronic signature" means an electronic sound, symbol, or
2 process attached to or logically associated with a document and
3 executed or adopted by a person with the intent to sign the document.

4 (5) "Person" means an individual, corporation, business trust,
5 estate, trust, partnership, limited liability company, association,
6 joint venture, public corporation, government, or governmental
7 subdivision, agency, or instrumentality, or any other legal or
8 commercial entity.

9 (6) "State" means a state of the United States, the District of
10 Columbia, Puerto Rico, the United States Virgin Islands, or any
11 territory or insular possession subject to the jurisdiction of the
12 United States.

13 (7) "E-recording standards commission" means the body of
14 stakeholders appointed by the secretary of state to review electronic
15 recording standards and make recommendations to the secretary under
16 section 5 of this act.

17 NEW SECTION. **Sec. 3.** (1) If a law requires, as a condition for
18 recording, that a document be an original, be on paper or another
19 tangible medium, or be in writing, the requirement is satisfied by an
20 electronic document satisfying this chapter.

21 (2) If a law requires, as a condition for recording, that a
22 document be signed, the requirement is satisfied by an electronic
23 signature.

24 (3) A requirement that a document or a signature associated with a
25 document be notarized, acknowledged, verified, witnessed, or made under
26 oath is satisfied if the electronic signature of the person authorized
27 to perform that act, and all other information required to be included,
28 is attached to or logically associated with the document or signature.
29 A physical or electronic image of a stamp, impression, or seal need not
30 accompany an electronic signature.

31 NEW SECTION. **Sec. 4.** (1) In this section, "paper document" means
32 a document that is received by the recording officer in a form that is
33 not electronic.

34 (2) A recording officer:

35 (a) Who performs any of the functions listed in this section shall

1 do so in compliance with the rules adopted by the secretary of state
2 for the electronic recording of documents;

3 (b) May receive, index, store, archive, and transmit electronic
4 documents;

5 (c) May provide for access to, and for search and retrieval of,
6 documents and information by electronic means;

7 (d) Who accepts electronic documents for recording shall continue
8 to accept paper documents as authorized by state law and shall place
9 entries for both types of documents in the same index;

10 (e) May convert paper documents accepted for recording into
11 electronic form;

12 (f) May convert information previously recorded into electronic
13 form;

14 (g) May, after receiving approval pursuant to RCW 36.29.190, accept
15 electronically any fee or tax that the recording officer is authorized
16 to collect;

17 (h) May agree with other officials of a state, or a political
18 subdivision thereof, or of the United States, on procedures or
19 processes to facilitate the electronic satisfaction of prior approvals
20 and conditions precedent to recording and the electronic payment of
21 fees or taxes.

22 NEW SECTION. **Sec. 5.** The office of the secretary of state shall
23 create and appoint an e-recording standards commission. The e-
24 recording standards commission shall review electronic recording
25 standards and make recommendations to the secretary of state for rules
26 necessary to implement this chapter. A majority of the commission must
27 be county recorders or auditors. The commission may include assessors,
28 treasurers, land title company representatives, escrow agents, and
29 mortgage brokers, the state archivist, and any other party the
30 secretary of state deems appropriate. The term of the commissioners
31 will be set by the secretary of state.

32 To keep the standards and practices of recording officers in this
33 state in harmony with the standards and practices of recording offices
34 in other jurisdictions that enact this chapter and to keep the
35 technology used by recording officers in this state compatible with
36 technology used by recording offices in other jurisdictions that enact

1 this chapter, the office of the secretary of state, so far as is
2 consistent with the purposes, policies, and provisions of this chapter,
3 in adopting, amending, and repealing standards shall consider:

4 (1) The standards and practices of other jurisdictions;

5 (2) The most recent standards adopted by national standard-setting
6 bodies, such as the property records industry association;

7 (3) The views of interested persons and governmental officials and
8 entities;

9 (4) The needs of counties of varying size, population, and
10 resources; and

11 (5) Standards requiring adequate information security protection to
12 ensure that electronic documents are accurate, authentic, adequately
13 preserved, and resistant to tampering.

14 NEW SECTION. **Sec. 6.** In applying and construing this chapter,
15 consideration must be given to the need to promote uniformity of the
16 law with respect to its subject matter among states that enact a
17 uniform real property electronic recording act.

18 NEW SECTION. **Sec. 7.** This chapter modifies, limits, and
19 supersedes the federal electronic signatures in global and national
20 commerce act (15 U.S.C. Sec. 7001, et seq.) but does not modify, limit,
21 or supersede section 101(c) of that act or authorize electronic
22 delivery of any of the notices described in section 103(b) of that act.

23 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
24 a new chapter in Title 65 RCW.

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