
**State Government, Elections &
Information Technology Committee**

HB 2316

Brief Description: Concerning the recording standards commission.

Sponsors: Representatives McDonald, Dolan, Stokesbary, Gregerson and Haler.

Brief Summary of Bill

- Expands the scope of the Secretary of State's Electronic Recording Standards Commission to review and make recommendations related to all real estate recording standards.

Hearing Date: 1/17/18

Staff: Travis Yonker (786-7383).

Background:

County auditors are responsible for recording specific documents to be part of the public record kept by each county. The documents that must be recorded by a county auditor include judgments, liens, deeds, mortgages, and various other categories of documents related to property ownership and real estate transactions.

In 2008 the Uniform Real Property Electronic Recording Act (URPERA) became law, allowing county auditors to receive and record documents in electronic form. As part of URPERA, the Electronic Recording (E-Recording) Standards Commission (Commission) was created by the Secretary of State to review electronic recording standards and make recommendations for rules to implement the URPERA.

The E-Recording Standards Commission may include a variety of stakeholders, including assessors, treasurers, title company representatives, escrow agents, mortgage brokers, the state archivist, and any other party the Secretary of State (SOS) deems appropriate.

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.

In addition to the recommendations of the Commission, the SOS was required to consider the following issues in adopting, amending, or repealing rules to implement the URPERA:

- the standards and practices of other jurisdictions;
- the standards set by national standard-setting bodies;
- the views of interested persons and governmental entities;
- the needs of Washington's diverse counties; and
- standards requiring adequate information security protection.

Based on the Commission's recommendations, and the additional considerations described above, the SOS implemented administrative rules related to electronic recording, which became effective in 2013.

Summary of Bill:

The E-Recording Standards Commission will become simply the Recording Standards Commission, and will be tasked with reviewing all recording standards generally, as opposed to limiting its scope to electronic recording standards. The Recording Standards Commission will make recommendations on appropriate administrative rules related to the recording standards generally. Also, County surveyors are expressly added as a class of stakeholders that may be part of the Recording Standards Commission.

The SOS will consider the following additional issues in adopting, amending, or repealing rules to promote harmony with standard practices of recording offices in other jurisdictions:

- standards requiring adequate information security protection of all documents, including electronic documents;
- standards for the certification of recorded documents including imaged paper documents or received in an electronic form; and
- standards on the documentation and recording of boundary line adjustments for real property.

Appropriation: None.

Fiscal Note: Not requested.

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