

Chapter 65.24 RCW
UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

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RCW 65.24.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Document" means information that is:

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

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

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

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

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

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

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

(7) "Recording standards commission" means the body of stakeholders appointed by the secretary of state to review recording standards, including but not limited to electronic recording standards, and make recommendations to the secretary under RCW 65.24.040. [2021 c 137 s 2; 2008 c 57 s 2.]

Intent—2021 c 137: "The legislature recognizes the necessity to clarify existing law regarding the recording of documents with county recording departments and county auditors. Recording standards and practices vary from county to county, which creates confusion and liability. County recorders, real estate firms, title and escrow companies, and consumer groups need simplified and standardized recording standards and fees. It is the intent of the legislature that the secretary of state have the authority to create regulations for consistent recording of documents by county auditors." [2021 c 137 s 1.]

RCW 65.24.020 Electronic authentication. (1) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this chapter.

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

(3) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature. [2008 c 57 s 3.]

RCW 65.24.030 Recording officer—Powers and duties. (1) In this section, "paper document" means a document that is received by the recording officer in a form that is not electronic.

(2) A recording officer:

(a) Who performs any of the functions listed in this section shall do so in compliance with the rules adopted by the secretary of state for the electronic recording of documents;

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

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

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

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

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

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

(h) May agree with other officials of a state, or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees or taxes. [2008 c 57 s 4.]

RCW 65.24.040 Recording standards commission. (1) The office of the secretary of state shall create and appoint a recording standards commission. The recording standards commission shall review recording standards, including electronic recording standards, and make recommendations to the secretary of state for rules necessary to implement this chapter. A majority of the commission must be county recorders or county auditors. The commission may include assessors, treasurers, land title company representatives, escrow agents, and mortgage brokers, the state archivist, county surveyors, and any other party the secretary of state deems appropriate. The term of the commissioners will be set by the secretary of state.

(2) To keep the standards and practices of recording officers in this state in harmony, and to promote harmony with the standards and practices of recording offices in other jurisdictions that enact similar legislation or policy and to keep the technology used by recording officers in this state compatible with technology used by recording offices in other jurisdictions that enact similar legislation or policy, the office of the secretary of state, under RCW 40.14.020, so far as is consistent with the purposes, policies, and provisions of this chapter, in adopting, amending, and repealing rules supporting recording standards shall consider:

(a) The standards and practices of other jurisdictions;

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

(c) The views of interested persons and governmental officials and entities;

(d) The needs of counties of varying size, population, and resources;

(e) Standards requiring adequate information security protection to ensure that documents are accurate, authentic, adequately preserved, and resistant to tampering;

(f) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering;

(g) Standards for the certification of recorded documents including imaged paper documents and documents that are received by the recording officer in an electronic form; and

(h) Standards on the documentation and recording of boundary line adjustments for real property. [2021 c 137 s 3; 2008 c 57 s 5.]

Intent—2021 c 137: See note following RCW 65.24.010.

RCW 65.24.050 Electronic signatures in global and national commerce act. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001, et seq.) but does not modify, limit, or supersede section 101(c) of that act or authorize electronic delivery of any of the notices described in section 103(b) of that act. [2008 c 57 s 7.]

RCW 65.24.060 Uniform recording standards—Rule-making authority. (1) The secretary of state, as chief archivist, shall make reasonable rules in accordance with federal and state laws, to provide for the uniform recording of documents in cooperation with the commission established in this chapter.

(2) In addition to the rule-making authority granted otherwise by this section, the secretary of state may make rules governing the following:

(a) Recording duties of county recorders and county auditors;

(b) Recording standards for the creation of certified copies for use as evidence;

(c) Recording standards for documents related to eminent domain;

(d) Recording standards for documents related to community property;

(e) Recording standards for documents related to unfit dwellings, buildings, and structures;

- (f) Recording standards for court summons served and court judgments;
- (g) Recording standards for documents related to military discharge;
- (h) Recording standards for documents related to boundaries and plats not otherwise under the rule-making authority of another state agency;
- (i) Recording standards for documents related to liens;
- (j) Recording standards for documents related to mortgages, deeds of trust, and real estate contracts;
- (k) Recording standards for documents related to the uniform commercial code;
- (l) Recording standards for documents related to real property and conveyances;
- (m) Standards to be used in recording, registration, and legal publication under this chapter;
- (n) Recording standards for documents related to cemetery property;
- (o) Standards for fee waivers including but not limited to documents for veterans, and support of dependent children;
- (p) Recording standards for documents related to mines, minerals, and petroleum;
- (q) Recording standards for documents related to public lands, including tidelands, and shorelines;
- (r) Recording standards for documents related to excise tax on real estate;
- (s) Recording standards for documents related to property tax;
- (t) Recording standards for documents prepared in foreign countries; and
- (u) Recording standards for documents not identified in (a) through (t) of this subsection. [2021 c 137 s 4.]

Intent—2021 c 137: See note following RCW 65.24.010.

RCW 65.24.901 Application—Construction. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact a uniform real property electronic recording act. [2008 c 57 s 6.]