HB0309S01 compared with HB0309

{deleted text} shows text that was in HB0309 but was deleted in HB0309S01.

inserted text shows text that was not in HB0309 but was inserted into HB0309S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Marsha Judkins proposes the following substitute bill:

COUNTY RECORDER AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the redaction of certain personal information from recorded documents.

Highlighted Provisions:

This bill:

▸ provides that a person may request that a county recorder redact personal information from recorded documents; and

▸ authorizes county recorders to charge a $5 fee for each request to redact personal information from recorded documents.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-21-18.5, as last amended by Laws of Utah 2022, Chapters 415, 450

ENACTS:

17-21-12.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-21-12.5** is enacted to read:

17-21-12.5. Redacting personal information.

(1) As used in this section, "personal information" means:

(a) a signature{,};

(b) the first five digits of a social security number{,}; or

(c) the month and day of the month of a birth date.

(2) {Subject to Subsection (3), an}An individual may request, in accordance with Subsection (4), to have the county recorder redact the individual's personal information from {recorded documents.

(3}documents that have been recorded.

(3) If an individual makes a request under Subsection (2), the county recorder shall:

(a) retain a copy of the original document or page that is not redacted so that the original document or page can be accessed in accordance with Subsection (5); and

(b) for each page on which the recorder redacts the individual's personal information, indicate on the page:

(i) the date and time that the redaction occurred; and

(ii) that the original page that is not redacted is on file with the county recorder's office.

(4) To request the redaction of personal information as described in Subsection ({2}3), an individual shall identify the location of the personal information to be redacted by:

(a) the entry number and page number; or

(b) the book and page number.

(5) The county recorder shall provide a copy of the original document or page that is not redacted if:

(a) the individual requesting a copy of the original document or page is:

(i) the individual whose personal information was redacted;

(ii) acting on behalf of a title company that has a valid business license issued by the state or a political subdivision of the state; or

(iii) an attorney that has a valid license from the Utah State Bar;

(b) the county recorder is responding to a valid subpoena that requests the production of documents that include the copy of the original document or page; or

(c) a court of competent jurisdiction orders the county recorder to produce the document or page.

([{4}]6) The county recorder may charge a fee, in accordance with Section 17-21-18.5, for costs related to redacting personal information.

Section 2. Section **17-21-18.5** is amended to read:

17-21-18.5.   Fees of county recorder -- Electronic recording of instruments.

(1) The county recorder shall receive the following fees:

(a) for recording any instrument, not otherwise provided for, other than bonds of public officers, $40;

(b) for recording any instrument, including those provided for under Title 70A, Uniform Commercial Code, other than bonds of public officers, and not otherwise provided for, $40, and if an instrument contains more than 10 descriptions, $2 for each additional description;

(c) for recording mining location notices and affidavits of labor affecting mining claims, $40; [and]

(d) for an affidavit or proof of labor which contains more than 10 mining claims, $2 for each additional mining claim; and

(e) for redacting personal information pursuant to Section 17-21-12.5, $5.

(2) (a) Each county recorder shall record the mining rules of the several mining districts in each county without fee.

(b) Certified copies of these records shall be received in all tribunals and before all officers of this state as prima facie evidence of the rules.

(3) The county recorder shall receive the following fees:

(a) for copies of any record or document, a reasonable fee as determined by the county

legislative body;

(b) for each certificate under seal, $5;

(c) for recording any plat, $50 for each sheet and $2 for each lot or unit designation;

(d) for taking and certifying acknowledgments, including seal, $5 for one name and $2 for each additional name;

(e) for recording any license issued by the Division of Professional Licensing, $40; and

(f) for recording a federal tax lien, $40, and for the discharge of the lien, $40.

(4) A county recorder may not charge more than one recording fee for each instrument, regardless of whether the instrument bears multiple descriptive titles or includes one or more attachments as part of the instrument.

(5) (a) Beginning on or before January 1, 2022, each county shall accept and provide for the electronic recording of instruments.

(b) Beginning on or before January 1, 2023, each county shall:

(i) provide for the electronic recording of a plat; and

(ii) accept an electronic document for the recording of a plat.

(6) The county may determine and collect a fee for all services not enumerated in this section.

(7) A county recorder may not be required to collect a fee for services that are unrelated to the county recorder's office.