

## HB0309S02 compared with HB0309

~~text~~ shows text that was in HB0309 but was deleted in HB0309S02.

text shows text that was not in HB0309 but was inserted into HB0309S02.

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Representative Marsha Judkins proposes the following substitute bill:

### COUNTY RECORDER AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marsha Judkins**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill provides for the redaction of certain personal information from a copy of an originally recorded ~~documents~~ instrument.

##### Highlighted Provisions:

This bill:

- ▶ provides that ~~a person~~ an individual may request that a county recorder ~~redact~~ create a copy of an originally recorded instrument and redact the individual's personal information ~~from recorded documents~~ on the copy of the originally recorded instrument;
- ▶ provides that certain persons may access the originally recorded instrument that is not redacted; and
- ▶ authorizes county recorders to charge a \$5 fee for each request to redact personal

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information from the copy of originally recorded ~~{documents}~~instruments.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

17-21-17, as last amended by Laws of Utah 2008, Chapter 382

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

17-21-19, as last amended by Laws of Utah 2008, Chapter 382

ENACTS:

17-21-12.5, Utah Code Annotated 1953

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*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}~~(a) An individual may request, in accordance with Subsection (3), to have the county recorder ~~{redact}~~ create a redacted version of a previously recorded instrument.

(b) The redacted version of a previously recorded instrument will, in accordance with this section, reflect redactions of the individual's personal information ~~{from recorded documents}~~.

(3) ~~{To}~~A request ~~{the redaction of personal information as described in Subsection (2), an individual shall}~~ under Subsection (2)(a) shall:

(a) be in writing;

(b) include payment of the fee under Subsection (6); and

(c) identify the location of the personal information ~~{to be redacted}~~ in the county

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recorder's records by:

~~(f)(i)~~ ~~the~~ entry number and page number; or

~~(f)(ii)~~ ~~the~~ book and page number.

(4) If an individual makes a request in accordance with Subsection (3), the county recorder shall:

(a) create a copy of the originally recorded instrument of record for the purpose of creating a redacted version of the originally recorded instrument;

(b) on the copy of the originally recorded instrument created under Subsection (4)(a):

(i) redact the personal information, ensuring that the originally recorded instrument is not altered or changed;

(ii) indicate:

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

(B) that the originally recorded instrument remains on file with the county recorder's office; and

(c) make the redacted copy of the originally recorded instrument accessible and available for inspection.

(5) The county recorder shall produce or provide access to the originally recorded instrument of record if:

(a) the individual requesting a copy of the originally recorded instrument is:

(i) the individual whose personal information was redacted on the copy of the originally recorded instrument;

(ii) if the instrument is a trust deed, a beneficiary of the trust deed;

(iii) 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

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

(b) the county recorder is responding to a valid subpoena;

(c) the county recorder is responding to a valid request under Title 63G, Chapter 2, Government Records Access and Management Act; or

(d) a court of competent jurisdiction orders the county recorder to produce the originally recorded instrument.

~~(4)~~6) The county recorder may charge a fee, in accordance with Section 17-21-18.5,

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for costs related to redacting personal information.

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

### **17-21-17. Prohibited acts.**

(1) (a) Upon acceptance of an instrument entitled to be recorded, the recorder may not:

(a) (i) record the instrument in any manner other than the manner required by this chapter; or

(b) (ii) alter, change, obliterate, or insert any new matter in any instrument of record.

(b) In accordance with Section 17-21-12.5, a county recorder may redact personal information from a copy of an originally recorded instrument.

(2) A recorder does not violate this section by:

(a) denying access to:

(i) an instrument of record that has been classified as private under Section 63G-2-302;

[or]

(ii) a portion of an instrument of record that has been classified as private under Section 63G-2-302; or

(iii) subject to Section 17-21-12.5, an originally recorded instrument of record for which a redacted copy exists and is accessible under Section 17-21-12.5; or

(b) placing an endorsement, reference, or other note on a document in the course of the recorder's work.

Section ~~(2)~~3. 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

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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.

Section 4. Section 17-21-19 is amended to read:

17-21-19. Records open to inspection -- Copies.

(1) [Unless otherwise classified as private under Section 63G-2-302, all] All instruments of record and all indexes required by this chapter are open to public inspection

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during office hours, except:

(a) those instruments classified as private under Section 63G-2-302; and

(b) those instruments with respect to which a redaction of personal information has occurred under Section 17-21-12.5, if the redacted copy of the instrument is open to public inspection during office hours.

(2) Upon payment of the applicable fee, a person may obtain copies of a public record.