

REFERENCE TITLE: county recorders; recorded instruments

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2167

Introduced by
Representative Dunn

AN ACT

AMENDING SECTION 11-461, ARIZONA REVISED STATUTES; RELATING TO COUNTY
RECORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-461, Arizona Revised Statutes, is amended to
3 read:

4 11-461. Recording instruments; keeping records;
5 identification; location; social security numbers;
6 definition

7 A. The recorder shall have custody of and shall keep all records,
8 maps and papers deposited in the recorder's office.

9 B. The recorder ~~shall~~ MAY record separately, in typewriting, in a
10 legible hand or by use of photostatic or photographic machines or by a
11 system of microphotography, all instruments or writings required or
12 authorized by law to be recorded. In a like manner, the recorder ~~shall~~
13 MAY record any other instrument offered for recording ~~provided~~ IF the
14 instruments meet the requirements of section 11-468, 11-480, 33-421 OR
15 47-9528, AS APPLICABLE.

16 C. The recorder may accept a digitized image of a recordable
17 instrument for recording if it is submitted by a title insurer or title
18 insurance agent as defined in section 20-1562, by a state chartered or
19 federally chartered bank insured by the federal deposit insurance
20 corporation, by an active member of the state bar of Arizona, by an
21 agency, branch or instrumentality of the federal government, BY a trusted
22 submitter or by a governmental entity and the instrument from which the
23 digitized image is taken conforms to all applicable laws relating to the
24 recording of paper instruments.

25 D. Instruments shall be recorded consecutively as of the time they
26 are received. The recorder shall affix to each instrument, either by hand
27 or in a digitized form, a notation or notations sufficient to provide:

28 1. A record identification to uniquely identify each instrument and
29 to fix its position within the sequence of recordings.

30 2. A record location to enable each instrument to be retrieved for
31 purposes of inspection.

32 E. Instruments may be recorded in docket books, in separate record
33 books or in suitable containers, if the location of each instrument can be
34 determined from notations both on the instrument and in the appropriate
35 index. Reference to any recorded instrument may be made by the record
36 location without further description.

37 F. Any reference to docket and page, or book and page, or similar
38 indication means the record location as notated on each recorded
39 instrument.

40 G. ~~On or before January 1, 2009,~~ The recorder in a county with a
41 population of more than eight hundred thousand persons, shall redact
42 references to complete nine digit social security numbers that are
43 available on the recorder's website. Social security numbers may be
44 retained on instruments that are not available on a website. The recorder
45 shall also redact complete social security number references on all

1 instruments recorded but not available on the website before ~~the effective~~
 2 ~~date of this amendment to this section,~~ SEPTEMBER 19, 2007 before making
 3 the instruments available on the website. The recorder is not liable for
 4 any errors or cases of stolen identity resulting from redactions made
 5 pursuant to this subsection.

6 H. The recorder in a county with a population of less than eight
 7 hundred thousand persons shall redact references to complete nine digit
 8 social security numbers on instruments that are available on the
 9 recorder's website at the request of the holder of the social security
 10 number if the holder identifies the recorded instrument. The recorder
 11 shall also redact complete social security number references on all
 12 instruments recorded but not available on the website before ~~the effective~~
 13 ~~date of this amendment to this section,~~ SEPTEMBER 19, 2007 before making
 14 the instruments available on the website. Social security numbers may be
 15 retained on instruments that are not available on the website. The
 16 recorder is not liable for any errors or cases of stolen identity
 17 resulting from redactions made pursuant to this subsection.

18 I. Notwithstanding the limitations of section 11-475.01, county
 19 recorders may use monies in the document storage and retrieval conversion
 20 and maintenance fund to accomplish the requirements of subsections G and H
 21 of this section.

22 J. For the purposes of this section, "~~a~~ trusted submitter" means a
 23 person or entity that has entered into a memorandum of understanding
 24 regarding digitized recording with the county recorder in the county in
 25 which the digitized recording is to be submitted.