

In addition to subsections (1) through ~~((10))~~ (9) of this section, the commissioner shall take into account any other factors which may be pertinent.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 5, 1985.

Passed the House April 5, 1985.

Approved by the Governor April 15, 1985.

Filed in Office of Secretary of State April 15, 1985.

## CHAPTER 44

[Senate Bill No. 3070]

COUNTY AUDITOR DUTIES RE PUBLIC RECORDS AND FILINGS MODIFIED—  
FEES INCREASED—NOTARIES PUBLIC APPROVED SEALS MODIFIED—  
FILING OF REAL PROPERTY RECORDS MODIFIED

AN ACT Relating to public records and filings; amending RCW 36.18.010, 36.18.110, 36.18.120, 42.28.030, 42.28.035, 42.28.060, 42.28.070, 42.28.090, 60.04.070, 60.12.070, 60.12.190, 61.16.020, 65.04.020, 65.04.030, 65.04.040, 65.04.060, 73.04.120, and 65.04.080; adding a new section to chapter 26.04 RCW; and repealing RCW 36.18.100, 36.18.150, and 65.04.100.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 26.04 RCW to read as follows:

The county auditor may preserve copies of marriage license applications submitted and marriage licenses issued under this chapter in the same manner as authorized for the recording of instruments under RCW 65.04.040.

Sec. 2. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 4, chapter 261, Laws of 1984 and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services: ~~((For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars, for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars;~~

~~For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars. PROVIDED, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;))~~

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), ~~((three))~~ five dollars; for each additional legal size page, one dollar; ~~((for indexing each name over two, fifty cents;~~

~~For marginal release of mortgage or lien, one dollar;))~~

For preparing and certifying copies, for the first legal size page, ~~((two))~~ three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, ~~((fifty cents))~~ one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, 1988, plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund which five-dollar fee shall expire June 30, 1987;

For searching records per hour, ~~((four))~~ eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

~~((For filing of miscellaneous records, not listed above, three dollars;~~

~~For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, fifty cents;))~~

For recording of miscellaneous records, not listed above, for first legal size page, ~~((three))~~ five dollars; for each additional legal size page, one dollar.

Sec. 3. Section 36.18.110, chapter 4, Laws of 1963 as amended by section 3, chapter 128, Laws of 1984 and RCW 36.18.110 are each amended to read as follows:

Every salaried county and precinct officer authorized to receive fees shall on or before the first Monday of each month and at the end of his or her term of office submit to the county auditor a statement (~~and copy of his or her fee book~~) for the month last past (~~duly verified as provided in RCW 36.18.150~~).

Sec. 4. Section 36.18.120, chapter 4, Laws of 1963 as amended by section 4, chapter 128, Laws of 1984 and RCW 36.18.120 are each amended to read as follows:

The county auditor shall check the statements submitted to the county auditor (~~with the fee book~~) and the records pertaining thereto, and if they are found to be correct, shall return them after having attached thereto the official certificates.

Sec. 5. Section 3, page 473, Laws of 1890 as last amended by section 1, chapter 314, Laws of 1981 and RCW 42.28.030 are each amended to read as follows:

Before a commission shall issue to the person appointed he shall—  
(1) execute a bond, payable to the state of Washington, in the sum of ten thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for the state general fund, taking the treasurer's receipt therefor; (3) procure a (~~seal or~~) stamp, on which shall be engraved or impressed the words "Notary Public" and "State of Washington", and date of expiration of his commission, with surname in full, and at least the initials of his Christian name; (4) to take and subscribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official (~~seal or~~) stamp, which (~~seal or~~) stamp shall be approved by the governor: PROVIDED, That (~~if a~~) the stamp (~~is used~~) shall meet the following requirements (~~shall apply~~):

- (1) The type shall be a minimum of 8 point type.
- (2) The stamp shall be two inches minimal in diameter.
- (3) The imprint shall be affixed with indelible ink only.
- (4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

Sec. 6. Section 5, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.035 are each amended to read as follows:

(1) Notaries who were commissioned before the effective date of this 1985 act may use the notary seals approved for their use before that date

whenever in this chapter or in any other provision of law the use of a notary stamp is designated.

(2) Notwithstanding any other provision of law, any requirement that a notary public affix his seal or his official seal shall be fully satisfied if such notary uses instead a ((~~rubber~~)) notary stamp which complies with the requirements of RCW 42.28.030 as now or hereafter amended.

Sec. 7. Section 5, page 474, Laws of 1890 as amended by section 2, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.060 are each amended to read as follows:

It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official ((~~seal or~~)) stamp, but in all other cases when the notary public shall sign any instrument officially, he shall, in addition to his name and the words "Notary Public", add his place of residence and affix his official ((~~seal or~~)) stamp.

Sec. 8. Section 6, page 474, Laws of 1890 as amended by section 3, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.070 are each amended to read as follows:

Every notary public is required to keep a true record of all notices of protest given or sent by him, with the time and manner in which the same were given or sent, and the names of all the parties to whom the same were given or sent, with the copy of the instrument in relation to which the notice is served, and of the notice itself; said record, or a copy thereof, duly certified under the hand and ((~~seal or~~)) stamp of the notary public, or county clerk having the custody of the original record, shall be competent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence.

Sec. 9. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 214, Laws of 1983 and RCW 42.28.090 are each amended to read as follows:

Notaries public may make but not exceed the following charges for their services:

Protest of a bill of exchange or promissory note, three dollars;

Attesting any instrument of writing with or without ((~~seal or~~)) stamp, three dollars;

Taking acknowledgment, two persons, with ((~~seal or~~)) stamp, three dollars;

Taking acknowledgment, each person over two, two dollars;

Certifying affidavit, with or without ((~~seal or~~)) stamp, three dollars;

Registering protest of bill of exchange or promissory note for nonacceptance or nonpayment, two dollars;

Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of twenty-five cents per mile, two dollars;

Noting a bill of exchange or promissory note, for nonacceptance or nonpayment, two dollars.

All public officers who are paid a salary in lieu of fees shall collect the prescribed fees for the use of the state or county as the case may be.

Sec. 10. Section 6, chapter 24, Laws of 1893 as amended by section 2, chapter 217, Laws of 1949 and RCW 60.04.070 are each amended to read as follows:

The county auditor must record the claims and notices mentioned in this chapter in a book to be kept by him for that purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed, and for which the auditor shall receive the same fees as are required by law for recording and indexing deeds and other conveyances.

Sec. 11. Section 6, chapter 256, Laws of 1927 as amended by section 2, chapter 32, Laws of 1933 and RCW 60.12.070 are each amended to read as follows:

Every such instrument shall be filed in the office of the county auditor who shall index ~~((the same in a book kept for that purpose as chattel mortgages))~~ them in the same manner as deeds and other conveyances are required by law to be indexed, and for which he shall receive the same fees as are required by law for ~~((filing))~~ recording and indexing ~~((chattel mortgages))~~ deeds and other conveyances.

Sec. 12. Section 3, chapter 336, Laws of 1955 and RCW 60.12.190 are each amended to read as follows:

A person claiming a seed lien shall, within sixty days after delivering the seed to the owner purchasing the seed, or his agent, ~~((file))~~ record in the manner required for ~~((filing chattel mortgages))~~ recording deeds and other conveyances a claim of lien subscribed and verified by the claimant or someone on his behalf, to the effect that affiant believes the claim to be just. Such ~~((filing))~~ recording shall be with the county auditor of the county in which the real property is situated and the crop is to be grown or is growing. The county auditor shall ~~((file))~~ record and index the claims of lien on the crop in ~~((a book kept for that purpose))~~ the same manner and for the same fee as required for ~~((chattel mortgages))~~ recording and indexing deeds and other conveyances.

Sec. 13. Section 1, page 116, Laws of 1886 as amended by section 1, chapter 52, Laws of 1901 and RCW 61.16.020 are each amended to read as follows:

Whenever the amount due on any mortgage is paid, the mortgagee, his legal representatives or assigns, shall, at the request of any person interested in the property mortgaged, ~~((acknowledge satisfaction of the same on the margin of the page upon which the mortgage is recorded (which marginal satisfaction shall be at the time attested by the auditor or his deputy), or by executing))~~ execute an instrument in writing referring to the mortgage by

the volume and page of the record or otherwise sufficiently describing it and acknowledging satisfaction in full thereof. Said instrument shall be duly acknowledged, and upon request shall be recorded in the county wherein the mortgaged property is situated. Every instrument of writing heretofore recorded and purporting to be a satisfaction of mortgage, which sufficiently describes the mortgage which it purports to satisfy so that the same may be readily identified, and which has been duly acknowledged before an officer authorized by law to take acknowledgments or oaths, is hereby declared legal and valid, and a certified copy of the record thereof is hereby constituted prima facie evidence of such satisfaction.

Sec. 14. Section 2726, Code of 1881 as amended by section 10, chapter 119, Laws of 1893 and RCW 65.04.020 are each amended to read as follows:

For the purpose of recording deeds and other instruments of writing, required or permitted by law to be recorded, the county auditor shall procure such books for records as the business of the office requires. ~~((He has the custody of and must keep at all times in his office all books, records, maps and papers deposited with him as such officer.))~~

Sec. 15. Section 1, page 26, Laws of 1865 as last amended by section 1, chapter 98, Laws of 1967 and RCW 65.04.030 are each amended to read as follows:

He must, upon the payment of his fees as required in RCW 36.18.010 for the same, acknowledge receipt therefor in writing or printed form and record in large and well bound books, or by photographic or photomechanical process, the following:

(1) Deeds, grants and transfers of real property, mortgages and releases of mortgages of real estate, instruments or agreements relating to community or separate property, powers of attorney to convey real estate, and leases which have been acknowledged or proved: PROVIDED, That deeds, contracts and mortgages of real estate described by lot and block and addition or plat, shall not be filed or recorded until the plat of such addition has been filed and made a matter of record;

(2) Patents to lands and receivers' receipts, whether for mineral, timber, homestead or preemption claims or cash entries;

(3) All such other papers or writing as are required by law to be recorded and such as are required by law to be filed.

~~((He may also, upon the payment of his fees for the same, record or file such other documents or papers as may be requested by the person offering the same for recording or filing.))~~

Sec. 16. Section 1, chapter 125, Laws of 1919 as last amended by section 2, chapter 98, Laws of 1967 and RCW 65.04.040 are each amended to read as follows:

Any state, county, or municipal officer charged with the duty of recording instruments in public records, may, in lieu of transcription, record them by receiving number in the order filed, irrespective of the type of instrument, using a photographic or photomechanical process, which produces a clear, legible, and durable record and which has been tested and approved for the intended purpose by the state archivist.

In addition, the county auditor, in the exercise of his duty of recording instruments in public records, may, in lieu of transcription, record all instruments, which he is charged by law to record, except plats, by any photographic, photostatic, microfilm, microcard, miniature photographic or other process which actually reproduces or forms a durable medium for so reproducing the original, and which has been tested and approved for the intended purpose by the state archivist. If the county auditor, in lieu of transcription, records any instrument by a process herein enumerated which produces a miniature copy of the original it shall not be necessary thereafter to make any notations or marginal notes, which are otherwise required by law, thereon: PROVIDED, That in lieu of making said notations thereon, the auditor shall immediately make a note of such in both the direct and inverted indexes and other appropriate indexes, in the column headed "remarks", opposite the appropriate entry.

Previously recorded instruments may be processed and preserved by any means authorized under this section for the original recording of instruments. The county auditor may provide in his office for the use of the public books containing reproductions of instruments and other materials that have been recorded pursuant to the provisions of this section. The contents of such books may be arranged according to date of filing, irrespective of type of instrument, or in such other manner as the county auditor in his discretion shall deem proper.

Sec. 17. Section 25, page 315, Laws of 1869 as amended by section 2729, Code of 1881 and RCW 65.04.060 are each amended to read as follows:

Whenever any mortgage, bond, lien, or instrument incumbering real estate, has been satisfied, released or discharged, (~~whether by written release across the record or upon the margin thereof, or~~) by the recording of an instrument of release, or acknowledgment of satisfaction, the auditor shall immediately note in both the indices, in the column headed remarks, opposite to the appropriate entry, that such instrument, lien or incumbrance has been satisfied. And in all cases of the satisfaction or release of any recorded liens, mortgage, transcript of judgment, mechanic's liens, (~~registered taxes~~) or other incumbrance whatsoever, the auditor shall (~~enter with red ink across the record of the instrument creating or evidencing such lien or incumbrance, the word "satisfied", with the day of the date of such satisfaction or release, and~~) note the same in index of transcripts of judgment.

Sec. 18. Section 19, page 313, Laws of 1869 as last amended by section 1, chapter 187, Laws of 1927 and RCW 65.04.080 are each amended to read as follows:

When any instrument, paper, or notice, authorized or required by law to be filed or recorded, is deposited in the county auditor's office for filing or record, that officer must indorse upon the same the time when it was received, noting the year, month, day, hour and minute of its reception, and must file, or file and record the same without delay, together with the acknowledgments, proofs, and certificates written or printed upon or annexed to the same, with the plats, surveys, schedules and other papers thereto annexed, in the order and as of the time when the same was received for filing or record, and must note on the instrument filed, or at the foot of the record the exact time of its reception, and the name of the person at whose request it was filed or filed and recorded: PROVIDED, That the county auditor shall not be required to accept for filing, or filing and recording, any instrument unless there appear upon the face thereof, (~~or be indorsed upon the back or cover thereof;~~) the name and nature of the instrument offered for filing, or filing and recording, as the case may be.

Sec. 19. Section 1, chapter 16, Laws of 1949 as last amended by section 1, chapter 84, Laws of 1984 and RCW 73.04.120 are each amended to read as follows:

County clerks and county auditors, respectively, are authorized and directed to furnish free of charge to the legal representative, surviving spouse, child or parent of any deceased veteran certified copies of marriage certificates, decrees of divorce or annulment, or other documents contained in their files and to record and issue, free of charge, certified copies of such documents from other states, territories, or foreign countries affecting the marital status of such veteran whenever any such document shall be required in connection with any claim pending before the United States veterans' bureau or other governmental agency administering benefits to war veterans. Where these same documents are required of service personnel of the armed forces of the United States for determining entitlement to family allowances and other benefits, they shall be provided without charge by county clerks and county auditors upon request of the person in the service or his dependents.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) Section 36.18.100, chapter 4, Laws of 1963 and RCW 36.18.100;
  - (2) Section 36.18.150, chapter 4, Laws of 1963 and RCW 36.18.150;
- and



(3) Section 2733, Code of 1881 and RCW 65.04.100.

Passed the Senate April 5, 1985.

Passed the House April 1, 1985.

Approved by the Governor April 15, 1985.

Filed in Office of Secretary of State April 15, 1985.

## CHAPTER 45

[Engrossed Senate Bill No. 3096]

### VACANCIES IN FEDERAL OFFICES

AN ACT Relating to vacancy elections for federal offices; amending RCW 29.13.047, 29.68.070, 29.68.080, 29.68.100, 29.68.120, and 29.68.130; creating a new section; and repealing RCW 29.68.090, and 29.68.110.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. It is the intention of the legislature that sections 2 through 7 of this act shall provide an orderly and predictable election procedure for filling vacancies in the offices of United States representative and United States senator.

Sec. 2. Section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year (~~as provided for in~~) under RCW 29.13.010, the state of Washington shall assume ((its)) a prorated share of ((such election)) the costs of that state primary or general election.

(2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29.68 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) The county auditor shall apportion the state's share of ((such)) these expenses when prorating election costs ((as provided)) under RCW ((29.04.020 and)) 29.13.045 and shall file such expense claims with the secretary of state.

(4) The secretary of state shall include in his or her biennial budget requests ~~((a provision for))~~ sufficient funds to carry out ~~((the provisions of))~~ this section. ~~((Payments hereunder))~~ Reimbursements for election costs shall be from appropriations specifically provided by law for ((such)) that purpose ((by law)).

Sec. 3. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy ~~((happens))~~ occurs in the representation of this state in the senate of the United States, the governor shall make a temporary