

SECOND REGULAR SESSION

SENATE BILL NO. 1011

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHEELER.

Read 1st time February 6, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4971S.011

AN ACT

To repeal sections 59.163, 59.170, 59.319, and 59.331, RSMo, and to enact in lieu thereof five new sections relating to recorder of deeds.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 59.163, 59.170, 59.319, and 59.331, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 59.163, 59.170, 59.319, 59.331 and 59.332, to read as follows:

59.163. In any county of the first class in which the recorder of deeds is
2 required by law to keep offices both at the county seat and at another place
3 within the county, all deeds, deeds of trust, mortgages, and other instruments
4 affecting real property [situated in that range in the county where the office
5 outside of the county seat is located shall be recorded in such office and not at the
6 county seat; and the proper place to file, or to file for record if goods are or are
7 to become fixtures, is as follows:

8 (1) When the collateral is goods which at the time the security interest
9 attaches are or are to become fixtures, and the land to which the fixtures are or
10 are to be attached is located in that range where the office outside the county seat
11 is located, then in such office outside the county seat, and any such filing shall
12 be for record;

13 (2) In all other cases where the proper place, or one of the proper places,
14 to file or to file for record is in the office of the recorder of deeds of such county,
15 then only in such office at the county seat and not in such office outside the
16 county seat;

17 (3) All financing statements or other instruments or statements incidental
18 thereto, such as continuation statements, termination statements, statements of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 assignment, in order to perfect, continue, terminate, assign, release, or affect a
20 security interest in accordance with article 9, chapter 400, the uniform
21 commercial code, shall have priority over liens filed under this section for the
22 time period after June 30, 2001, and before August 28, 2003] **may be recorded**
23 **at either office, without regard to the location of the real property**
24 **within the county. Priority of record will be given strictly by the date**
25 **and time an instrument is recorded without regard to the location of**
26 **the recorder's office in which the instrument was recorded.**

59.170. The recorder of deeds for Jackson County, Missouri, shall open an
2 office at Kansas City, in which [shall] **may be recorded [all]** deeds, deeds of trust,
3 mortgages and other instruments affecting real property situated [in range
4 thirty-three] in that county, and in which [shall] **may be filed or filed for record**
5 all financing statements and other instruments or statements incidental thereto
6 affecting personal property, fixtures, or other collateral [as to which it is the
7 proper place, or one of the proper places, to file or to file for record as provided
8 by law]. **Deeds, deeds of trust, mortgages, and other instruments**
9 **affecting real property, and financing statements and other instruments**
10 **incidental thereto affecting personal property, fixtures, or other**
11 **collateral may also be recorded or filed for record at the recorder's**
12 **office located at the county seat of any county with a charter form of**
13 **government and with more than six hundred thousand but fewer than**
14 **seven hundred thousand inhabitants.**

59.319. 1. A user fee of four dollars shall be charged and collected by
2 every recorder in this state, over and above any other fees required by law, as a
3 condition precedent to the recording of any instrument. The state portion of the
4 fee shall be forwarded monthly by each recorder of deeds to the state director of
5 revenue, and the fees so forwarded shall be deposited by the director in the state
6 treasury. Two dollars of such fee shall be retained by the recorder and deposited
7 in a recorder's fund and not in county general revenue for record storage,
8 microfilming, **redaction as authorized by section 59.332**, and preservation,
9 including anything necessarily pertaining thereto. The recorder's funds shall be
10 kept in a special fund by the treasurer and shall be budgeted and expended at the
11 direction of the recorder and shall not be used to substitute for or subsidize any
12 allocation of general revenue for the operation of the recorder's office without the
13 express consent of the recorder. The recorder's fund may be audited by the
14 appropriate auditing agency, and any unexpended balance shall be left in the

15 fund to accumulate from year to year with interest.

16 2. An additional fee of three dollars shall be charged and collected by
17 every recorder in this state, over and above any other fees required by law, as a
18 condition precedent to the recording of any instruments specified in subdivisions
19 (1) and (2) of section 59.330. The fees collected from this additional three dollars
20 per recorded instrument shall be forwarded monthly by each recorder of deeds to
21 the state director of revenue, and the fees so forwarded shall be deposited by the
22 director in the state treasury.

23 3. The state treasurer and the commissioner of administration shall
24 establish an appropriate account within the state treasury and in accordance with
25 the state's accounting methods. Any receipt required by this section to be
26 deposited in the general revenue fund shall be credited as follows: the amount
27 of one dollar for each fee collected under subsection 1 of this section to an account
28 to be utilized for the purposes of sections 60.500 to 60.610, RSMo; the amount of
29 one dollar for each fee collected under subsection 1 of this section to an account
30 to be utilized by the secretary of state for additional preservation of local records;
31 and the amount of three dollars collected under subsection 2 of this section into
32 the Missouri housing trust fund as designated in section 215.034, RSMo.

 59.331. The preparer of a document shall not include an individual's
2 [federal Social Security number] **sensitive personal identifying information**
3 in a document that is prepared and presented for recording in the office of the
4 recorder of deeds. **"Sensitive personal identifying information" includes**
5 **federal Social Security numbers, bank account numbers, and credit**
6 **card account numbers.** This section does not apply to state or federal tax
7 liens, military separation or discharge papers, and other documents required by
8 law to contain such information that are filed or recorded in the office of the
9 recorder of deeds. **Should any person's sensitive personal identifying**
10 **information appear on any document prepared or submitted for**
11 **recording, the preparer, submitter, or anyone in an agency relationship**
12 **with the person may redact, remove, or delete the sensitive personal**
13 **identifying information prior to submission to the recorder of**
14 **deeds. Any such redaction, removal, or deletion shall not in any way**
15 **affect the legal status of the transaction described in the**
16 **document. The recorder of deeds shall not alter or modify any**
17 **document in the official record except as otherwise provided by law.**

 59.332. **Should any sensitive personal identifying information, as**

2 defined in section 59.331, appear in any record or image viewable on
3 any publicly available Internet website maintained or sponsored by a
4 recorder of deeds, any person may apply to the recorder of deeds for
5 redaction or removal of that sensitive personal identifying
6 information. Any such application shall be made in writing, signed by
7 the applicant, his or her attorney, or legal guardian, and shall
8 specifically identify the document or documents containing the
9 sensitive personal identifying information. The application shall be
10 accompanied by a legible copy of each recorded document affected by
11 the application, upon which the sensitive personal identifying
12 information that is to be redacted is highlighted or otherwise
13 indicated. Upon receipt of an application submitted in compliance with
14 this section, the recorder of deeds may redact or remove the affected
15 document from the records viewable on the publicly available Internet
16 website.

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Bill

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