

**COUNTY RECORDER AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marsha Judkins**

Senate Sponsor: Keith Grover

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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 instrument.

**Highlighted Provisions:**

This bill:

- ▶ provides that an individual may request that a county recorder create a copy of an originally recorded instrument and redact the individual's personal information 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 information from the copy of originally recorded 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

29 ENACTS:

30 17-21-12.5, Utah Code Annotated 1953

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

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

34 **17-21-12.5. Redacting personal information.**

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

36 (a) a signature;

37 (b) the first five digits of a social security number; or

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

39 (2) (a) An individual may request, in accordance with Subsection (3), to have the  
40 county recorder create a redacted version of a previously recorded instrument.

41 (b) The redacted version of a previously recorded instrument will, in accordance with  
42 this section, reflect redactions of the individual's personal information.

43 (3) A request under Subsection (2)(a) shall:

44 (a) be in writing;

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

46 (c) identify the location of the personal information in the county recorder's records by:

47 (i) entry number and page number; or

48 (ii) book and page number.

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

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

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

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

56 (ii) indicate:  
 57 (A) the date and time that the redaction occurred; and  
 58 (B) that the originally recorded instrument remains on file with the county recorder's  
 59 office; and  
 60 (c) make the redacted copy of the originally recorded instrument accessible and  
 61 available for inspection.

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

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

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

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

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

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

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

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

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

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

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

79 **17-21-17. Prohibited acts.**

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

81 [~~(a)~~] (i) record the instrument in any manner other than the manner required by this  
 82 chapter; or

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

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

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

87           (a) denying access to:

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

89           ~~[or]~~

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

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

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

96           Section 3. Section **17-21-18.5** is amended to read:

97           **17-21-18.5. Fees of county recorder -- Electronic recording of instruments.**

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

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

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

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

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

109           (e) for redacting personal information pursuant to Section [17-21-12.5](#), \$5.

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

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

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

115 (a) for copies of any record or document, a reasonable fee as determined by the county  
116 legislative body;

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

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

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

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

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

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

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

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

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

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

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

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

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

136 **17-21-19. Records open to inspection -- Copies.**

- 137 (1) [~~Unless otherwise classified as private under Section [63G-2-302](#), all] All  
138 instruments of record and all indexes required by this chapter are open to public inspection  
139 during office hours, except:  
140 (a) those instruments classified as private under Section [63G-2-302](#); and  
141 (b) those instruments with respect to which a redaction of personal information has  
142 occurred under Section [17-21-12.5](#), if the redacted copy of the instrument is open to public  
143 inspection during office hours.  
144 (2) Upon payment of the applicable fee, a person may obtain copies of a public record.~~