



Report on Public Policy Position

Name of section:

Real Property Law

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Bill Number:

HB 4515 (Byrum) Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction in certified copies unless prohibited by law. Amends sec. 1 of 1836 PA 25 (MCL 565.581).

HB 4516 (Byrum) Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by person submitting document unless prohibited by law. Amends sec. 1 of 1937 PA 103 (MCL 565.201).

HB 4517 (Byrum) Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by register of deeds unless prohibited by law. Amends sec. 1 of 1867 PA 20 (MCL 565.491).

HB 4518 (Byrum) Consumer protection; privacy; social security numbers in judgments submitted to register of deeds for recordation; require redaction unless prohibited by law. Amends sec. 1 of 1873 PA 5 (MCL 565.401).

HB 4519 (Byrum) Consumer protection; privacy; social security numbers in affidavits submitted to register of deeds for recordation; require redaction unless prohibited by law. Amends sec. 2 of 1915 PA 123 (MCL 565.452).

Date position was adopted:

April 18, 2007

Process used to take the ideological position:

Vote of the Council of the Section

Number of members in the decision-making body:

16

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Section opposes HB 4515-4519 for several reasons, including the following:

There have been and continue to be delays in the prompt recording of documents in the land records by the county registers of deeds. Also, the order in which documents are accepted for recording varies from one register of deeds to the other. Imposing the requirement on registers of deeds that social security numbers must be redacted before recording with further interfere with timely recording of documents;

the imposition of the redacting requirement may further exacerbate the "gap" problem (i.e., the delay between receipt of a document by the register of deeds and the date it is deemed recorded;

Imposing this requirement on the registers of deeds is an unnecessary burden; it should be imposed exclusively on the filer;

if a document is recorded notwithstanding that it contains a social security number may create an issue as to whether it is void;

Requiring that a social security number be redacted from a copy of a recorded document provided to a person requesting it will delay the receipt of the document by the person requesting it, which may create a hardship

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-4515>

<http://legislature.mi.gov/doc.aspx?2007-HB-4516>

<http://legislature.mi.gov/doc.aspx?2007-HB-4517>

<http://legislature.mi.gov/doc.aspx?2007-HB-4518>

<http://legislature.mi.gov/doc.aspx?2007-HB-4519>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

List any arguments against the position:

See "Position"

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

The regulation and discipline of attorneys

✓ **The improvement of the functioning of the courts**

✓ **The availability of legal services to society**

The regulation of attorney trust accounts

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

Not provided.