



LAWS OF ALASKA

2008

Source
HB 295

Chapter No.

AN ACT

Relating to the filing or recording of documents and records with the Department of Natural Resources, to the inspection and copying of filed and recorded documents, and to the filing of secured transaction records under the Uniform Commercial Code; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the filing or recording of documents and records with the Department of Natural
2 Resources, to the inspection and copying of filed and recorded documents, and to the filing of
3 secured transaction records under the Uniform Commercial Code; and providing for an
4 effective date.

5 _____
6 * **Section 1.** AS 40.17.030(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, to be eligible for
8 recording, a document must

9 (1) contain original signatures;

10 (2) be legible or capable of being converted into legible form by a
11 machine or device used in the recording office;

12 (3) be capable of being copied by the method used in the recording
13 office;

14 (4) contain a title reflecting the overall intent of the document;

1 (5) contain the information needed to index the document under
2 regulations of the department;

3 (6) contain a book and page reference or serial number reference if the
4 document amends, corrects, extends, modifies, assigns, or releases a document
5 previously recorded in this state;

6 (7) contain the name and address of a [THE] person to whom the
7 document may [IS TO] be returned after recording;

8 (8) if it is a deed, contain the mailing addresses of all persons named in
9 the document who grant or acquire an interest under the document;

10 (9) [BE ACCOMPANIED BY OR] contain the name of the recording
11 district in which it is to be recorded; and

12 (10) be accompanied by the applicable recording fee set by regulation;
13 if the document is to be recorded for multiple purposes, it must be accompanied by the
14 applicable fee for each of the multiple purposes.

15 * **Sec. 2.** AS 40.25.120(c) is amended to read:

16 (c) Recorders shall permit memoranda, transcripts, and copies of the public
17 records in their offices to be made by photography or otherwise for the purpose of
18 examining titles to real estate described in the public records, making abstracts of title
19 or guaranteeing or insuring the titles of the real estate, or building and maintaining title
20 and abstract plants [; AND SHALL FURNISH PROPER AND REASONABLE
21 FACILITIES TO PERSONS HAVING LAWFUL OCCASION FOR ACCESS TO
22 THE PUBLIC RECORDS FOR THOSE PURPOSES], subject to reasonable rules and
23 regulations [, IN CONFORMITY TO THE DIRECTION OF THE COURT,] as are
24 necessary for the protection of the records and to prevent interference with the regular
25 discharge of the duties of the recorders and their employees.

26 * **Sec. 3.** AS 44.37.027(b) is amended to read:

27 (b) The Department of Natural Resources may adopt regulations prescribing
28 the records to be maintained and the documents to be filed, consistent with AS 45.29,
29 and regulations authorizing the forms to be used under AS 45.29.516(b)(8).

30 * **Sec. 4.** AS 45.29.516(b) is amended to read:

31 (b) Filing does not occur with respect to a record that a filing office refuses to

1 accept because

2 (1) the record is not communicated by a method or medium of
3 communication authorized by the filing office;

4 (2) an amount equal to or greater than the applicable filing fee is not
5 tendered;

6 (3) the filing office is unable to index the record because, in the case of

7 (A) an initial financing statement, the record does not provide a
8 name for the debtor;

9 (B) an amendment or correction statement, the record

10 (i) does not identify the initial financing statement as
11 required by AS 45.29.512 or 45.29.518, as applicable; or

12 (ii) identifies an initial financing statement whose
13 effectiveness has lapsed under AS 45.29.515;

14 (C) an initial financing statement that provides the name of a
15 debtor identified as an individual or an amendment that provides a name of a
16 debtor identified as an individual that was not previously provided in the
17 financing statement to which the record relates, the record does not identify the
18 debtor's last name; [OR]

19 (D) a record filed in the filing office described in
20 AS 45.29.501(a)(1) that relates to real property, the record does not provide a
21 sufficient description of the real property to which it relates; **or**

22 (E) a fixture filing or other filing allowed to be filed for record
23 in a filing office described in AS 45.29.501(a)(1), the filing does not provide
24 the name of the debtor and record owner;

25 (4) in the case of an initial financing statement or an amendment that
26 adds a secured party of record, the record does not provide a name and mailing
27 address for the secured party of record;

28 (5) in the case of an initial financing statement or an amendment that
29 provides a name of a debtor that was not previously provided in the financing
30 statement to which the amendment relates, the record does not

31 (A) provide a mailing address for the debtor;

1 (B) indicate whether the debtor is an individual or an
2 organization; or

3 (C) if the financing statement indicates that the debtor is an
4 organization, provide

5 (i) a type of organization for the debtor;

6 (ii) a jurisdiction of organization for the debtor; or

7 (iii) an organizational identification number for the
8 debtor or indicate that the debtor does not have an organizational
9 identification number;

10 (6) in the case of an assignment reflected in an initial financing
11 statement under AS 45.29.514(a) or an amendment filed under AS 45.29.514(b), the
12 record does not provide a name and mailing address for the assignee; [OR]

13 (7) in the case of a continuation statement, the record is not filed
14 within the six-month period prescribed by AS 45.29.515(d); or

15 (8) the record is not communicated on a form authorized by filing
16 office regulation.

17 * **Sec. 5.** AS 40.17.035(2)(C) and AS 45.29.521 are repealed.

18 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: REGULATIONS. The Department of Natural Resources may proceed
21 to adopt regulations necessary to implement this Act. The regulations take effect under
22 AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
23 implemented by the regulations.

24 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

25 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2008.