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BILL ANALYSIS

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Senate Bills 298 through 303 (as introduced 3-1-07)

Sponsor: Senator Mark C. Jansen (S.B. 298 & 302)

Senator Gerald Van Woerkom (S.B. 299)

Senator Tony Stamas (S.B. 300)

Senator John Pappageorge (S.B. 301)

Senator Patricia L. Birkholz (S.B. 303)

Committee: Local, Urban and State Affairs

Date Completed: 4-30-07

## **CONTENT**

**Senate Bills 298 through 302 would amend various statutes to do the following, in regard to instruments pertaining to the title to real property:**

- **Permit a register of deeds, beginning March 1, 2005, to remove or obscure all or a portion of a Social Security number in a document before recording or providing a copy of it.**
- **Require a register of deeds, beginning January 1, 2008, to remove or obscure all or a portion of a Social Security number in a document before recording or providing a copy of it.**
- **Make the removal or obscuring of all or a portion of a Social Security number in an instrument a condition of recording the instrument, beginning January 1, 2008.**

**Senate Bill 303 would amend a separate statute to permit a register of deeds beginning January 1, 2005, and require a register of deeds beginning January 1, 2008, to remove or obscure, or require an individual to remove or obscure, all or part of the Social Security number in the reproduction of a record before the individual could take the copy.**

**The provisions in each of the bills would not apply if State or Federal law, rule, regulation, or court order or rule required all or more than four sequential digits of a Social Security number to appear in a document.**

### **Senate Bill 298**

The bill would amend Public Act 25 of 1836, which authorizes the board of supervisors of a county that is attached to another county for judicial purposes, to direct its register of deeds to record in books a complete copy of all deeds, mortgages, powers of attorney, or other instruments relating to the title of land in the county and on record in the county to which it is attached.

Under the bill, beginning March 1, 2005, if a register of deeds provided a person with a copy of an instrument from a book of records that contained a Social Security number, the register of deeds could obscure or remove all or at least five digits of the number from the copy before providing it. Beginning January 1, 2008, the register of deeds would be required to obscure or remove all or at least five digits of the Social Security number from the copy before providing it.

Under the bill, as used in the Act, "books" would include a computerized recording system for instruments relating to the title of land.

### **Senate Bill 299**

The bill would amend Public Act 103 of 1937, which prescribes conditions for the execution of instruments to be recorded in the register of deeds office. The conditions apply to an instrument by which title to or any interest in real estate is conveyed, assigned, encumbered, or otherwise disposed of.

Under the bill, beginning January 1, 2008, these conditions would include a requirement that all or at least five digits of any Social Security number appearing in or on the instrument be obscured or removed.

### **Senate Bill 300**

The bill would amend Public Act 20 of 1867, which requires a register of deeds to record on the books in his or her office all deeds, mortgages, maps, instruments, or writings authorized by law to be recorded, and left with the register of deeds for that purpose, upon payment of the proper fee. Under the bill, beginning January 1, 2008, a register of deeds could not record at length an instrument or reproduction of an instrument unless all or at least five digits of any Social Security number appearing in or on the instrument or reproduction were obscured or removed.

### **Senate Bill 301**

The bill would amend Public Act 5 of 1873, which authorizes a register of deeds to receive and record a copy of a final court judgment that relates to the title of real estate. Under the bill, beginning January 1, 2008, a register of deeds could not receive a judgment for recording unless all or at least five digits of any Social Security number appearing in or on the judgment were obscured or removed.

### **Senate Bill 302**

The bill would amend Public Act 123 of 1915, which requires a register of deeds to receive and record affidavits affecting the title of real property. Under the bill, beginning January 1, 2008, a register of deeds could not receive an affidavit for recording unless all or at least five digits of any Social Security number appearing in or on affidavit were obscured or removed.

### **Senate Bill 303**

The bill would amend Public Act 54 of 1875, which requires a register of deeds to furnish facilities for the inspection and examination of the records or files in his or her office, and for making memorandums or transcripts from the records and files, to an individual having a lawful purpose to examine the records and files. Under the bill, beginning March 1, 2005, if a record or file containing a Social Security number were reproduced for or by such an individual, the register of deeds could obscure or remove, or require that the individual obscure or remove, all or at least five digits of the Social Security number from the reproduction before he or she removed the reproduction from the office of the register of deeds.

Beginning January 1, 2008, the register of deeds would be required to obscure or remove, or require that the individual obscure or remove, all or at least five digits of the Social Security number from the reproduction before the individual removed the reproduction from the office.

MCL 565.581 (S.B. 298)  
565.201 (S.B. 299)  
565.491 (S.B. 300)  
565.401 (S.B. 301)  
565.452 (S.B. 302)  
565.551 (S.B. 303)

Legislative Analyst: Craig Laurie

**FISCAL IMPACT**

The bills would have no fiscal impact on State revenue or expenditures, or any impact on local unit revenue. The bill could increase expenditures for some local units by an unknown amount, depending on the costs of adapting systems to the changes required beginning in 2008, as well as the number of local units that opted to use the provisions, and the expense of making those changes, affecting years before 2008.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.