

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 107

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO INSTRUMENTS; AMENDING SECTION 55-805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE VALIDITY OF AN ACKNOWLEDGMENT IN A RECORDED INSTRUMENT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-805, Idaho Code, be, and the same is hereby amended to read as follows:

55-805. ACKNOWLEDGMENT NECESSARY TO AUTHORIZE RECORDING. (1) Before an instrument may be recorded, unless it is otherwise expressly provided, its execution must be acknowledged by the person executing it, or if executed by a corporation, by its president or vice president, or secretary or assistant secretary, or other person executing the same on behalf of the corporation, or if executed in the name of the state of Idaho or any county, political subdivision, municipal, quasi-municipal, or public corporation, by one (1) or more of the officers of such state, county, political subdivision, municipal, quasi-municipal, or public corporation executing the same, or if executed in a partnership name, by one (1) or more of the partners who subscribed the partnership name thereto, or if executed by a limited liability company, by the manager, member or other person executing the same on behalf of the limited liability company, or the execution must be proved and the acknowledgment or proof, certified in substantially the manner prescribed by chapter 1, title 51, Idaho Code; provided, that if such instrument shall have been executed and acknowledged in any other state or territory of the United States, or in any foreign country, according to the laws of the state, territory or country wherein such acknowledgment was taken, the same shall be entitled to record, and a certificate of acknowledgment indorsed upon or attached to any such instrument purporting to have been made in any such state, territory or foreign country, shall be prima facie sufficient to entitle the same to such record.

(2) Notwithstanding any other provision of law, the validity of an instrument's acknowledgment may not be challenged if the instrument was recorded prior to July 1, 2017.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.