



To: All New Jersey Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: February 8, 2022
Bulletin No.: NJ 2022-01
Subject: "Daniel's Law" Revised – Redaction and Non-Disclosure of Certain Public Records

On January 12, 2022, New Jersey enacted P.L. 2021, c.371, which revised the original "Daniel's Law" (P.L 2020 c. 125) which was signed into law late in 2020. This new revision was effective immediately and is retroactive to December 10, 2021.

This law was prompted by the senseless killing of the 20 year-old son of a judge of the United States District Court for the District of New Jersey. On Sunday, July 19, 2020, an assailant went to the judge's home impersonating a package delivery driver and upon arrival opened fire killing the judge's son, Daniel Anderl, and injuring the judge's husband.

In response to this tragedy and to the continuous rise of threats against judicial officers and other law enforcement personnel, the law aims to protect these individuals and their immediate families who reside in the same home, by redacting and preventing the disclosure of their home address. More specifically the law protects those who are considered a "covered person," which is defined as an active, formerly active, or retired judicial officer or law enforcement officer, or prosecutor and any immediate family member residing in the same household as any of the three mentioned above.

Although the law is effective as of December 10, 2021, compliance with all of its provisions is not required until January 13, 2023 (Yes, almost a year from now). But, public agencies, like county clerk/recorders, businesses and others may honor a request for redaction or nondisclosure, or revocation, submitted by a covered person before that. Some counties have already begun to comply as many of you are probably aware already and we anticipate that more counties and other entities will comply even before they are required to do so.

Information Bulletins are designed to provide our agents with information we think will help in managing their business or just being better title professionals, but which does not rise to the level of being an underwriting mandate and are not within the scope of the agency agreement.

How it will work:

The law creates a new office within the NJ Dept. of Community Affairs, called the **Office of Information Privacy**. That office will create a secure portal through which an authorized person may make a request for the redaction or nondisclosure of a covered person's home address from certain public records.

These protections are not automatic. Before the covered person's information is protected they must submit a request through the secure portal and be approved by the Director of the Office of Information Privacy in order for an address to be subject to redaction or nondisclosure.

How will it affect the title industry?

There are some exceptions to this law where certain records will not be redacted.

The law provides that the following people may receive unredacted documents when they request same in that person's ordinary course of business:

- (a) a title insurance company, a title insurance agent, or an approved attorney, as defined in The Title Insurance Act (N.J.S.A. 17:46B-1);
- (b) a mortgage guarantee insurance company;
- (c) a mortgage loan originator;
- (d) a registered title search business entity, as defined in this new law.
- (e) a real estate broker, a real estate salesperson, a real estate salesperson licensed with a real estate referral company, or a real estate referral company, as such terms are defined in R.S.45:15-3;
- (f) an individual or business that has made or received an offer for the purchase of real estate and real property, or any portion thereof, to or from a covered person whose address is subject to redaction or nondisclosure pursuant to the new law.

In addition to the above exceptions, the following documents are specifically not subject to redaction or nondisclosure:

- (a) Documents in the Division of Revenue and Enterprise Services in the Dept. of Treasury, including UCC filings;
- (b) Records evidencing any lien, judgment or other encumbrance upon real or other property;
- (c) assessment lists subject to inspection pursuant to N.J.S.A. 54:4-38;
- (d) the index of all recorded documents maintained by a county recording officer under N.J.S.A. 46:26A-8, when inspected in person;
- (e) property that is presumed abandoned under the "Uniform Unclaimed Property Act."

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In addition, the law does specify that unredacted addresses can be obtained by Court Order.

Registered Title Search Business Entities: Among those who are specifically authorized to receive unredacted documents is a **Registered Title Search Business Entity**. This entity is now defined in the new law as “any person or entity organized under the laws of this State or another state for the primary purpose of determining the existence of any lien, lawsuit, lease, easement, mortgage or other encumbrance or restriction, or ownership interest, on any property, and regularly conducts business with any title insurance company or agent.”

Any title search business entity conducting business in this state must register with and is subject to regulation by the NJ Dept. of Banking and Insurance. In addition, the entity must also register with the Division of Revenue and Enterprise Services in the Dept. of the Treasury.

Possible Civil and Criminal Penalties:

There are both civil and criminal penalties built into this law that could be triggered under certain circumstances for the disclosure on the Internet or otherwise of a covered person’s home address or unpublished telephone number. Both the civil and criminal penalty provisions do require that the person who desires nondisclosure, or that person’s “Authorized person” as same is defined in the law, must provide written notice to the person from whom they are seeking nondisclosure.

So, if you receive any written notification from a person, or that person’s “Authorized person,” who is considered a covered person under the law, the law requires that you comply with their request and cease disclosure of their information or you may be subject to civil and/or criminal penalties and consequences.

Do I need to search differently or add anything to the Commitment or Policies?:

Short answer is No. Since title agents are one of the listed entities specifically authorized to receive unredacted documents, for now nothing special needs be done as far as searching is concerned nor are there any additional requirements or exceptions needed on your commitments or policies as it relates to Daniel’s Law. This is subject to change as this new law matures and we see and learn how all those affected react to its requirements.

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